SENATE JOURNAL

STATE OF ILLINOIS

ONE HUNDRED THIRD GENERAL ASSEMBLY

93RD LEGISLATIVE DAY

THURSDAY, MARCH 21, 2024

12:10 O'CLOCK P.M.

NO. 93
[March 21, 2024]

SENATE
Daily Journal Index
93rd Legislative Day

The Senate met pursuant to adjournment.
Senator Mattie Hunter, Chicago, Illinois, presiding.
Prayer by Pastor Curt Fleck, Civil Servant Ministries, Springfield, Illinois.
Senator Johnson led the Senate in the Pledge of Allegiance.

Senator Glowiak Hilton moved that reading and approval of the Journal of Wednesday, March 20, 2024, be postponed, pending arrival of the printed Journal.
The motion prevailed.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Sales Tax Report 2023, submitted by the Lake County Division of Transportation.

ICC Crossing Safety Improvement Program 5-Year Plan FY25-FY29, submitted by the Illinois Commerce Commission.

ICC Hazardous Materials Annual Report 2023, submitted by the Illinois Commerce Commission.

ISBE ERJA Report, submitted by the Illinois State Board of Education.

The foregoing reports were ordered received and placed on file in the Secretary's Office.

LEGISLATIVE MEASURES FILED

The following Floor amendment to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Assignments:

Amendment No. 1 to Senate Bill 3631

The following Committee amendment to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Assignments:

Amendment No. 3 to Senate Bill 3501

CORRECTION

On Wednesday, March 20, 2024, a Resolution was read into the record in error as a Senate Resolution when it was filed as a Senate Joint Resolution. The correction will remove **Senate Resolution No. 865** from the record, which will be refiled and read in as a Senate Joint Resolution today.

PRESENTATION OF CELEBRATION OF LIFE RESOLUTION

SENATE RESOLUTION NO. 867

Offered by Senator McClure and all Senators:
Mourns the death of Roy E. Robinson of Springfield.

By unanimous consent, the foregoing resolution was referred to the Resolutions Consent Calendar.

PRESENTATION OF CONGRATULATORY RESOLUTIONS

SENATE RESOLUTION NO. 865

Offered by Senator Villa:

Celebrates the impact and contributions of contemporary Latinas in the State of Illinois. Acknowledges the value of Latinas and the essential role they play in our multicultural, multigenerational democracy. Recognizes the importance of accurate and timely data on Latinas living in the United States and the role that the U.S. Census Bureau plays in delivering data that impacts the political and economic power and influence of Latina.

SENATE RESOLUTION NO. 866

Offered by Senator Curran:

Honors the life, legacy, and leadership of former State Representative and State Senator Lottie Holman O'Neill.

Under the Rules, the foregoing resolutions were referred to the Committee on Assignments.

PRESENTATION OF RESOLUTIONS

Senator Villivalam offered the following Senate Resolution, which was referred to the Committee on Assignments:

SENATE RESOLUTION NO. 868

WHEREAS, The Illinois Department of Transportation and the Illinois Tollway are driving forces for increasing economic opportunities in the State of Illinois, as both organizations seek to provide assistance to small and diverse businesses and individuals interested in doing business in ways that ensure equity, access, and transparency; and

WHEREAS, Both the Illinois Department of Transportation and the Illinois Tollway provide small and diverse businesses and individuals with opportunities to grow and succeed through training programs, strategic partnerships, and investments in infrastructure; and

WHEREAS, These programs support long-term success through training and business development opportunities, as well as a multitude of economic opportunities created by investments in infrastructure and the resources to ensure continued growth in a high-demand industry; and

WHEREAS, Through its Move Illinois Program, the Illinois Tollway committed more than $2.9 billion to small, diverse, and veteran-owned firms in construction and professional services; and

WHEREAS, The Illinois Department of Transportation has certified over 2,945 diverse businesses in Illinois; in 2023, IDOT achieved nearly 19% diverse business utilization on Federal Highway Administration-funded projects; and

WHEREAS, Now, programs like these for minority-owned and women-owned businesses (M/W/DBE) are at risk across the nation; and

WHEREAS, In June 2023, the U.S. Supreme Court ruled in the case Fair Admissions v. Harvard that the university's use of race considerations in their undergraduate admissions processes was impermissible, sparking litigation in an attempt to extend that reasoning to other settings, such as transportation and infrastructure contracting; and

WHEREAS, A number of cases challenging M/W/DBE programs are now before federal courts across the United States; and

WHEREAS, Mid-America Milling Company v. USDOT was filed in October 2023; plaintiffs, who are based in southern Indiana, have requested that the U.S. District Court, Eastern District of Kentucky enter a nationwide USDOT DBE injunction; the plaintiffs assert that the DBE program is unconstitutional because it ultimately uses race and gender in government contracting decisions; the plaintiffs in this case rely heavily upon the recently-decided U.S. Supreme Court decision in Fair Admissions v. Harvard; and

WHEREAS, In Landscape Consultants of Texas and Metropolitan Landscape Management v. City of Houston and Midtown Management District, plaintiffs have filed a case in the U.S. District Court, Southern District of Texas in September 2023 that challenges local M/W/DBE programs under the Equal Protection Clause of the U.S. Constitution; discovery in that case ends in June 2025, and one or both parties are expected to file motions for summary judgment shortly thereafter; the threat of similar legislation impacts M/W/DBE programs employed by local governments such as the City of Chicago; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDRED THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we encourage the utilization of small, diverse, and veteran-owned firms, as M/WBE and DBE programs have demonstrated success in promoting economic opportunity, equity and access; and be it further

RESOLVED, That we support federal DBE standards and programs to ensure the success of the Illinois Department of Transportation's DBE Program; and be it further

RESOLVED, That we urge Congress to take action to protect the USDOT DBE program and M/WBE and DBE programs overall.

Senator Hunter offered the following Senate Joint Resolution, which was referred to the Committee on Assignments:

SENATE JOINT RESOLUTION NO. 53

WHEREAS, The members of the Illinois General Assembly wish to congratulate the Wendell Phillips High School varsity boys basketball team, the Wildcats, on winning the 2023-2024 Illinois High School Association Class 2A State Championship; and

WHEREAS, The Wildcats finished with a record of 25 wins and 9 losses as they defeated the Benton Rangers in the championship game 54 to 47; and

WHEREAS, The members of the 2023-2024 Wildcats are Michael White Jr., Amari Edwards, Lawrence Horton, Elijah Harris, Jeremiah Benjamin, DeAndre Addison, Ian Williams, Derrick Brooks, Camarie Richmond, Johnathan Duncan, Phoenix Childs, and Claude Mpouma; and

WHEREAS, The Wildcats are coached by Paris Martin, assisted by Michael Wallace and Khonja Scott, and overseen by Athletic Director James Daniel IV, Principal Rashad Talley, and Chicago Public Schools Executive Director of Sports David Rosengard; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDRED THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we congratulate the Wendell Phillips High School varsity boys basketball team, the Wildcats, on winning the 2023-2024 Illinois High School Association Class 2A State Championship; and be it further

RESOLVED, That suitable copies of this resolution be presented to Head Coach Paris Martin, Athletic Director James Daniel IV, and Principal Rashad Talley as an expression of our esteem and respect.

Senator Edly-Allen offered the following Senate Joint Resolution, which was referred to the Committee on Assignments:

SENATE JOINT RESOLUTION NO. 54

WHEREAS, On March 20, 2018, the Zion City Council named the zinnia as the official flower of Zion; and

WHEREAS, Zinnias hold historical significance, as the founders of Zion planted zinnias in front of the Shiloh House, a mansion that was built in 1901 and was the residence of Zion's founder, Dr. John Alexander Dowie; and

WHEREAS, Zion officials and residents are proud to call the zinnia their official flower, connecting the city's rich heritage to the founders; and

WHEREAS, Zion encourages its residents to plant zinnias around town to beautify the community; and

WHEREAS, Zinnias represent joy and prosperity as each dead flower produces new seeds, inspiring and motivating the community to continue to grow more and more zinnias; and

WHEREAS, The zinnia comes in a variety of colors and sizes, symbolizing Zion's greatest asset, its diversity; and

WHEREAS, Planting zinnias adds to a resident's quality of life as gardening reduces stress and gives residents and visitors alike a reason to enjoy the outdoors; and

WHEREAS, Zion became a Monarch City on April 6, 2021 and is dedicated to caring for and celebrating monarchs, hosting an annual Zinnia & Monarch Festival; and

WHEREAS, Zinnias provide a great source of nectar for monarch butterflies; and

WHEREAS, Businesses and individuals are adopting locations to plant zinnias around the community and are encouraging residents to plant them at their homes; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDRED THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that declare the City of Zion as the 2024 Zinnia Capital of Illinois; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the City of Zion.

REPORTS FROM STANDING COMMITTEES

Senator Johnson, Chair of the Committee on Education, to which was referred **Senate Bill No. 3606**, reported the same back with the recommendation that the bill do pass.

Under the rules, the bill was ordered to a second reading.

Senator Johnson, Chair of the Committee on Education, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 2824
Senate Amendment No. 3 to Senate Bill 2824
Senate Amendment No. 1 to Senate Bill 3553
Senate Amendment No. 2 to Senate Bill 3768

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Martwick, Chair of the Committee on Judiciary, to which was referred **Senate Bills Numbered 2597, 2978, 3310 and 3420**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Martwick, Chair of the Committee on Judiciary, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 2644
Senate Amendment No. 1 to Senate Bill 2758
Senate Amendment No. 1 to Senate Bill 3232
Senate Amendment No. 1 to Senate Bill 3284
Senate Amendment No. 2 to Senate Bill 3551
Senate Amendment No. 1 to Senate Bill 3713

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Villivalam, Chair of the Committee on Transportation, to which was referred **Senate Bill No. 3389**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Morrison, Chair of the Committee on Health and Human Services, to which was referred **Senate Bill No. 1431**, reported the same back with the recommendation that the bill do pass.

Under the rules, the bill was ordered to a second reading.

Senator Morrison, Chair of the Committee on Health and Human Services, to which was referred **Senate Bills Numbered 2578 and 2957**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Peters, Chair of the Committee on Labor, to which was referred **Senate Bill No. 2608**, reported the same back with the recommendation that the bill do pass.

Under the rules, the bill was ordered to a second reading.

Senator Peters, Chair of the Committee on Labor, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 2918
Senate Amendment No. 2 to Senate Bill 3180

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Fine, **Senate Bill No. 56** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Insurance, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 56

AMENDMENT NO. 1 . Amend Senate Bill 56 on page 8, immediately below line 20, by inserting the following:

"Section 99. Effective date. This Act takes effect January 1, 2026.".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Cunningham, **Senate Bill No. 2586** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Licensed Activities, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 2586

AMENDMENT NO. 1 . Amend Senate Bill 2586 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Dental Practice Act is amended by changing Sections 4, 18.1, and 23 and by adding Section 17.2 as follows:

(225 ILCS 25/4)

(Section scheduled to be repealed on January 1, 2026)

Sec. 4. Definitions. As used in this Act:

"Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file as maintained by the Department's licensure maintenance unit. It is the duty of the applicant or licensee to inform the Department of any change of address and those changes must be made either through the Department's website or by contacting the Department.

"Department" means the Department of Financial and Professional Regulation.

"Secretary" means the Secretary of Financial and Professional Regulation.

"Board" means the Board of Dentistry.

"Dentist" means a person who has received a general license pursuant to paragraph (a) of Section 11 of this Act and who may perform any intraoral and extraoral procedure required in the practice of dentistry and to whom is reserved the responsibilities specified in Section 17.

"Dental hygienist" means a person who holds a license under this Act to perform dental services as authorized by Section 18.

"Dental assistant" means an appropriately trained person who, under the supervision of a dentist, provides dental services as authorized by Section 17.

"Expanded function dental assistant" means a dental assistant who has completed the training required by Section 17.1 of this Act.

"Dental laboratory" means a person, firm, or corporation which:

(i) engages in making, providing, repairing, or altering dental prosthetic appliances and other artificial materials and devices which are returned to a dentist for insertion into the human oral cavity or which come in contact with its adjacent structures and tissues; and

(ii) utilizes or employs a dental technician to provide such services; and

(iii) performs such functions only for a dentist or dentists.

"Supervision" means supervision of a dental hygienist or a dental assistant requiring that a dentist authorize the procedure, remain in the dental facility while the procedure is performed, and approve the work performed by the dental hygienist or dental assistant before dismissal of the patient, but does not mean that the dentist must be present at all times in the treatment room.

"General supervision" means supervision of a dental hygienist requiring that the patient be a patient of record, that the dentist examine the patient in accordance with Section 18 prior to treatment by the dental hygienist, and that the dentist authorize the procedures which are being carried out by a notation in the patient's record, but not requiring that a dentist be present when the authorized procedures are being

performed. The issuance of a prescription to a dental laboratory by a dentist does not constitute general supervision.

"Public member" means a person who is not a health professional. For purposes of board membership, any person with a significant financial interest in a health service or profession is not a public member.

"Dentistry" means the healing art which is concerned with the examination, diagnosis, treatment planning, and care of conditions within the human oral cavity and its adjacent tissues and structures, as further specified in Section 17.

"Branches of dentistry" means the various specialties of dentistry which, for purposes of this Act, shall be limited to the following: endodontics, oral and maxillofacial surgery, orthodontics and dentofacial orthopedics, pediatric dentistry, periodontics, prosthodontics, oral and maxillofacial radiology, and dental anesthesiology.

"Specialist" means a dentist who has received a specialty license pursuant to Section 11(b).

"Dental technician" means a person who owns, operates, or is employed by a dental laboratory and engages in making, providing, repairing, or altering dental prosthetic appliances and other artificial materials and devices which are returned to a dentist for insertion into the human oral cavity or which come in contact with its adjacent structures and tissues.

"Informed consent" means legally valid consent that is given by a patient or legal guardian, that is recorded in writing or digitally, that authorizes intervention or treatment services from the treating dentist, and that documents agreement to participate in those services and knowledge of the risks, benefits, and alternatives, including the decision to withdraw from or decline treatment.

"Impaired dentist" or "impaired dental hygienist" means a dentist or dental hygienist who is unable to practice with reasonable skill and safety because of a physical or mental disability as evidenced by a written determination or written consent based on clinical evidence, including deterioration through the aging process, loss of motor skills, abuse of drugs or alcohol, or a psychiatric disorder, of sufficient degree to diminish the person's ability to deliver competent patient care.

"Nurse" means a registered professional nurse, a certified registered nurse anesthetist licensed as an advanced practice registered nurse, or a licensed practical nurse licensed under the Nurse Practice Act.

"Patient of record" means a patient for whom the patient's most recent dentist has obtained a relevant medical and dental history and on whom the dentist has performed a physical ~~an~~ examination within the last year and evaluated the condition to be treated, including a review of the patient's most recent x-rays.

"Dental responder" means a dentist or dental hygienist who is appropriately certified in disaster preparedness, immunizations, and dental humanitarian medical response consistent with the Society of Disaster Medicine and Public Health and training certified by the National Incident Management System or the National Disaster Life Support Foundation.

"Mobile dental van or portable dental unit" means any self-contained or portable dental unit in which dentistry is practiced that can be moved, towed, or transported from one location to another in order to establish a location where dental services can be provided.

"Public health dental hygienist" means a hygienist who holds a valid license to practice in the State, has 2 years of full-time clinical experience or an equivalent of 4,000 hours of clinical experience, and has completed at least 42 clock hours of additional structured courses in dental education in advanced areas specific to public health dentistry.

"Public health setting" means a federally qualified health center; a federal, State, or local public health facility; Head Start; a special supplemental nutrition program for Women, Infants, and Children (WIC) facility; a certified school-based health center or school-based oral health program; a prison; or a long-term care facility.

"Public health supervision" means the supervision of a public health dental hygienist by a licensed dentist who has a written public health supervision agreement with that public health dental hygienist while working in an approved facility or program that allows the public health dental hygienist to treat patients, without a dentist first examining the patient and being present in the facility during treatment, (1) who are eligible for Medicaid or (2) who are uninsured or whose household income is not greater than 300% of the federal poverty level.

"Teledentistry" means the use of telehealth systems and methodologies in dentistry and includes patient diagnosis, treatment planning, care, and education delivery for a patient of record using synchronous and asynchronous communications under an Illinois licensed ~~a~~ dentist's authority as provided under this Act. (Source: P.A. 102-93, eff. 1-1-22; 102-588, eff. 8-20-21; 102-936, eff. 1-1-23; 103-425, eff. 1-1-24; 103-431, eff. 1-1-24; revised 12-15-23.)

(225 ILCS 25/17.2 new)

Sec. 17.2. Teledentistry. A dentist may only practice or utilize teledentistry on a patient of record. A dentist practicing dentistry through teledentistry is subject to the same standard of care and practice standards that are applicable to dental services provided in a clinic or office setting. A dentist may provide and delegate dental services using teledentistry only under the supervision requirements as specified in this Act for in-person care. Prior to providing teledentistry services to a patient, a dentist must obtain informed consent from the patient as to the treatment proposed to be offered through teledentistry by the dentist. It is a violation of this Act for a provider of dental services rendering care through teledentistry to require a patient to sign an agreement that limits in any way the patient's ability to write a review of services received or file a complaint with the Department or other regulatory agency. The Department shall adopt rules to provide for the use of teledentistry in the State of Illinois.

(225 ILCS 25/18.1)

(Section scheduled to be repealed on January 1, 2026)

Sec. 18.1. Public health dental supervision responsibilities.

(a) When working together in a public health supervision relationship, dentists and public health dental hygienists shall enter into a public health supervision agreement. The dentist providing public health supervision must:

(1) be available to provide an appropriate level of contact, communication, collaboration, and consultation with the public health dental hygienist and must meet in-person with the public health dental hygienist at least quarterly for review and consultation;

(2) have specific standing orders or policy guidelines for procedures that are to be carried out for each location or program, although the dentist need not be present when the procedures are being performed;

(3) provide for the patient's additional necessary care in consultation with the public health dental hygienist;

(4) file agreements and notifications as required; and

(5) include procedures for creating and maintaining dental records, including protocols for transmission of all records between the public health dental hygienist and the dentist following each treatment, which shall include a notation regarding procedures authorized by the dentist and performed by the public health dental hygienist and the location where those records are to be kept.

Each dentist and hygienist who enters into a public health supervision agreement must document and maintain a copy of any change or termination of that agreement.

Dental records shall be owned and maintained by the supervising dentist for all patients treated under public health supervision, unless the supervising dentist is an employee of a public health clinic or federally qualified health center, in which case the public health clinic or federally qualified health center shall maintain the records.

If a dentist ceases to be employed or contracted by the facility, the dentist shall notify the facility administrator that the public health supervision agreement is no longer in effect. A new public health supervision agreement is required for the public health dental hygienist to continue treating patients under public health supervision.

A dentist entering into an agreement under this Section may supervise and enter into agreements for public health supervision with 4 public health dental hygienists. This shall be in addition to the limit of 4 dental hygienists per dentist set forth in subsection (g) of Section 18 of this Act.

(b) A public health dental hygienist providing services under public health supervision may perform only those duties within the accepted scope of practice of dental hygiene, as follows:

(1) the operative procedures of dental hygiene, consisting of oral prophylactic procedures, including prophylactic cleanings, application of fluoride, and placement of sealants;

(2) the exposure and processing of x-ray films of the teeth and surrounding structures; and

(3) such other procedures and acts as shall be prescribed by rule of the Department.

Any patient treated under this subsection (b) must be examined by a dentist before additional services can be provided by a public health dental hygienist. However, if the supervising dentist, after consultation with the public health hygienist, determines that time is needed to complete an approved treatment plan on a patient eligible under this Section, then the dentist may instruct the hygienist to complete the remaining services prior to an oral examination by the dentist. Such instruction by the dentist to the hygienist shall be noted in the patient's records. Any services performed under this exception must be scheduled in a timely manner and shall not occur more than 30 days after the first appointment date.

(c) A public health dental hygienist providing services under public health supervision must:

(1) provide to the patient, parent, or guardian a written plan for referral or an agreement for follow-up that records all conditions observed that should be called to the attention of a dentist for proper diagnosis;

(2) have each patient sign a permission slip or consent form that informs them that the service to be received does not take the place of regular dental checkups at a dental office and is meant for people who otherwise would not have access to the service;

(3) inform each patient who may require further dental services of that need;

(4) maintain an appropriate level of contact and communication with the dentist providing public health supervision; and

(5) complete an additional 4 hours of continuing education in areas specific to public health dentistry yearly.

(d) Each public health dental hygienist who has rendered services under subsections (c), (d), and (e) of this Section must complete a summary report at the completion of a program or, in the case of an ongoing program, at least annually. The report must be completed in the manner specified by the Department of Public Health Oral Health Section including information about each location where the public health dental hygienist has rendered these services. The public health dental hygienist must submit the form to the dentist providing supervision for his or her signature before sending it to the Division. The Department of Public Health Oral Health Section shall compile and publicize public health dental hygienist service data annually.

(e) Public health dental hygienists providing services under public health supervision may be compensated for their work by salary, honoraria, and other mechanisms by the employing or sponsoring entity. Nothing in this Act shall preclude the entity that employs or sponsors a public health dental hygienist from seeking payment, reimbursement, or other source of funding for the services provided.

(e-5) A patient who is provided services under a supervision agreement by a public health dental hygienist as described in this Section does not need to receive a physical examination from a dentist prior to treatment if the public health dental hygienist consults with the supervising dentist prior to performing the teledentistry service.

(f) This Section is repealed on January 1, 2026.

(Source: P.A. 103-431, eff. 1-1-24.)

(225 ILCS 25/23) (from Ch. 111, par. 2323)

(Section scheduled to be repealed on January 1, 2026)

Sec. 23. Refusal, revocation or suspension of dental licenses. The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand or take other disciplinary or non-disciplinary action as the Department may deem proper, including imposing fines not to exceed $10,000 per violation, with regard to any license for any one or any combination of the following causes:

1. Fraud or misrepresentation in applying for or procuring a license under this Act, or in connection with applying for renewal of a license under this Act.

2. Inability to practice with reasonable judgment, skill, or safety as a result of habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug.

3. Willful or repeated violations of the rules of the Department of Public Health or Department of Nuclear Safety.

4. Acceptance of a fee for service as a witness, without the knowledge of the court, in addition to the fee allowed by the court.

5. Division of fees or agreeing to split or divide the fees received for dental services with any person for bringing or referring a patient, except in regard to referral services as provided for under Section 45, or assisting in the care or treatment of a patient, without the knowledge of the patient or his or her legal representative. Nothing in this item 5 affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this item 5 shall be construed to require an employment arrangement to receive professional fees for services rendered.

6. Employing, procuring, inducing, aiding or abetting a person not licensed or registered as a dentist or dental hygienist to engage in the practice of dentistry or dental hygiene. The person

practiced upon is not an accomplice, employer, procurer, inducer, aider, or abetter within the meaning of this Act.

7. Making any misrepresentations or false promises, directly or indirectly, to influence, persuade or induce dental patronage.

8. Professional connection or association with or lending his or her name to another for the illegal practice of dentistry by another, or professional connection or association with any person, firm or corporation holding himself, herself, themselves, or itself out in any manner contrary to this Act.

9. Obtaining or seeking to obtain practice, money, or any other things of value by false or fraudulent representations, but not limited to, engaging in such fraudulent practice to defraud the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

10. Practicing under a false or, except as provided by law, an assumed name.

11. Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

12. Conviction by plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or by sentencing for any crime, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation, under the laws of any jurisdiction of the United States that (i) is a felony under the laws of this State or (ii) is a misdemeanor, an essential element of which is dishonesty, or that is directly related to the practice of dentistry.

13. Permitting a dental hygienist, dental assistant or other person under his or her supervision to perform any operation not authorized by this Act.

14. Permitting more than 4 dental hygienists to be employed under his or her supervision at any one time.

15. A violation of any provision of this Act or any rules promulgated under this Act.

16. Taking impressions for or using the services of any person, firm or corporation violating this Act.

17. Violating any provision of Section 45 relating to advertising.

18. Discipline by another U.S. jurisdiction or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth within this Act.

19. Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.

20. Gross negligence in practice under this Act.

21. The use or prescription for use of narcotics or controlled substances or designated products as listed in the Illinois Controlled Substances Act, in any way other than for therapeutic purposes.

22. Willfully making or filing false records or reports in his or her practice as a dentist, including, but not limited to, false records to support claims against the dental assistance program of the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid).

23. Professional incompetence as manifested by poor standards of care.

24. Physical or mental illness, including, but not limited to, deterioration through the aging process, or loss of motor skills which results in a dentist's inability to practice dentistry with reasonable judgment, skill or safety. In enforcing this paragraph, the Department may compel a person licensed to practice under this Act to submit to a mental or physical examination pursuant to the terms and conditions of Section 23b.

25. Gross or repeated irregularities in billing for services rendered to a patient. For purposes of this paragraph 25, "irregularities in billing" shall include:

(a) Reporting excessive charges for the purpose of obtaining a total payment in excess of that usually received by the dentist for the services rendered.

(b) Reporting charges for services not rendered.

(c) Incorrectly reporting services rendered for the purpose of obtaining payment not earned.

26. Continuing the active practice of dentistry while knowingly having any infectious, communicable, or contagious disease proscribed by rule or regulation of the Department.

27. Being named as a perpetrator in an indicated report by the Department of Children and Family Services pursuant to the Abused and Neglected Child Reporting Act, and upon proof by clear

and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

28. Violating the Health Care Worker Self-Referral Act.

29. Abandonment of a patient.

30. Mental incompetency as declared by a court of competent jurisdiction.

31. A finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation.

32. Material misstatement in furnishing information to the Department.

33. Failing, within 60 days, to provide information in response to a written request by the Department in the course of an investigation.

34. Immoral conduct in the commission of any act, including, but not limited to, commission of an act of sexual misconduct related to the licensee's practice.

35. Cheating on or attempting to subvert the licensing examination administered under this Act.

36. A pattern of practice or other behavior that demonstrates incapacity or incompetence to practice under this Act.

37. Failure to establish and maintain records of patient care and treatment as required under this Act.

38. Failure to provide copies of dental records as required by law.

39. Failure of a licensed dentist who owns or is employed at a dental office to give notice of an office closure to his or her patients at least 30 days prior to the office closure pursuant to Section 50.1.

40. Failure to maintain a sanitary work environment.

41. Failure to comply with the provisions of Section 17.2 of this Act.

All proceedings to suspend, revoke, place on probationary status, or take any other disciplinary action as the Department may deem proper, with regard to a license on any of the foregoing grounds, must be commenced within 5 years after receipt by the Department of a complaint alleging the commission of or notice of the conviction order for any of the acts described herein. Except for fraud in procuring a license, no action shall be commenced more than 7 years after the date of the incident or act alleged to have violated this Section. The time during which the holder of the license was outside the State of Illinois shall not be included within any period of time limiting the commencement of disciplinary action by the Department.

All fines imposed under this Section shall be paid within 60 days after the effective date of the order imposing the fine or in accordance with the terms set forth in the order imposing the fine.

The Department may refuse to issue or may suspend the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

Any dentist who has had his or her license suspended or revoked for more than 5 years must comply with the requirements for restoration set forth in Section 16 prior to being eligible for reinstatement from the suspension or revocation.

(Source: P.A. 103-425, eff. 1-1-24.)

Section 10. The Consumer Fraud and Deceptive Business Practices Act is amended by adding Section 2EEEE as follows:

(815 ILCS 505/2EEEE new)

Sec. 2EEEE. Violations concerning teledentistry under the Illinois Dental Practice Act. Any person who violates Section 17.2 of the Illinois Dental Practice Act commits an unlawful practice within the meaning of this Act.

Section 99. Effective date. This Act takes effect upon becoming law.".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator D. Turner, **Senate Bill No. 2643** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 2643

AMENDMENT NO. 1 . Amend Senate Bill 2643 by replacing everything after the enacting clause with the following:

"Section 5. The Funeral Directors and Embalmers Licensing Code is amended by changing Sections 1-10, 10-25, 15-15, and 15-75 and by adding Section 15-56 as follows:

(225 ILCS 41/1-10)

(Section scheduled to be repealed on January 1, 2028)

Sec. 1-10. Definitions. As used in this Code:

"Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file.

"Applicant" means any person making application for a license. Any applicants or people who hold themselves out as applicants are considered licensees for purposes of enforcement, investigation, hearings, and the Illinois Administrative Procedure Act.

"Board" means the Funeral Directors and Embalmers Licensing and Disciplinary Board.

"Certificate of Death" means a certificate of death as referenced in the Illinois Vital Records Act.

"Chain of custody record" means a record that establishes the continuous control of a uniquely identified body, body parts, or human remains.

"Department" means the Department of Financial and Professional Regulation.

"Email address of record" means the designated email address recorded by the Department in the applicant's application file or the licensee's license file as maintained by the Department's licensure maintenance unit.

"Funeral director and embalmer" means a person who is licensed and qualified to practice funeral directing and to prepare, disinfect and preserve dead human bodies by the injection or external application of antiseptics, disinfectants or preservative fluids and materials and to use derma surgery or plastic art for the restoring of mutilated features. It further means a person who restores the remains of a person for the purpose of funeralization whose organs or bone or tissue has been donated for anatomical purposes.

"Funeral director and embalmer intern" means a person licensed by the Department who is qualified to render assistance to a funeral director and embalmer in carrying out the practice of funeral directing and embalming under the supervision of the funeral director and embalmer.

"Embalming" means the process of sanitizing and chemically treating a deceased human body in order to reduce the presence and growth of microorganisms, to retard organic decomposition, to render the remains safe to handle while retaining naturalness of tissue, and to restore an acceptable physical appearance for funeral viewing purposes.

"Funeral director" means a person, known by the title of "funeral director" or other similar words or titles, licensed by the Department who practices funeral directing.

"Funeral establishment", "funeral chapel", "funeral home", or "mortuary" means a building or separate portion of a building having a specific street address or location and devoted to activities relating to the shelter, care, custody and preparation of a deceased human body and which may contain facilities for funeral or wake services.

"Licensee" means a person licensed under this Code as a funeral director, funeral director and embalmer, or funeral director and embalmer intern. Anyone who holds himself or herself out as a licensee or who is accused of unlicensed practice is considered a licensee for purposes of enforcement, investigation, hearings, and the Illinois Administrative Procedure Act.

"Owner" means the individual, partnership, corporation, limited liability company, association, trust, estate, or agent thereof, or other person or combination of persons who owns a funeral establishment or funeral business.

"Person" means any individual, partnership, association, firm, corporation, limited liability company, trust or estate, or other entity. "Person" includes both natural persons and legal entities.

"Secretary" means the Secretary of Financial and Professional Regulation.

"Uniquely identified" means providing the deceased with individualized identification.

(Source: P.A. 102-881, eff. 1-1-23.)

(225 ILCS 41/10-25)

(Section scheduled to be repealed on January 1, 2028)

Sec. 10-25. Examinations. The Department shall authorize and hold examinations of applicants for licenses as licensed funeral directors and embalmers. The examination may include both practical

demonstrations and written and oral tests and shall embrace the subjects of anatomy, sanitary science, health regulations in relation to the handling of deceased human bodies, identification rules and regulation in relation to the handling and storing of human bodies, measures used by funeral directors and embalmers for the prevention of the spread of diseases, the care, preservation, embalming, transportation, and burial of dead human bodies, and other subjects relating to the care and handling of deceased human bodies as set forth in this Article and as the Department by rule may prescribe.

Whenever the Secretary is not satisfied that substantial justice has been done in an examination, the Secretary may order a reexamination.

If an applicant neglects, fails without an approved excuse or refuses to take the next available examination offered for licensure under this Code, the fee paid by the applicant shall be forfeited to the Department and the application denied. If an applicant fails to pass an examination for licensure under this Code within 3 years after filing an application, the application shall be denied. However, the applicant may thereafter make a new application for examination which shall be accompanied by the required fee.
(Source: P.A. 96-1463, eff. 1-1-11.)

(225 ILCS 41/15-15)

(Section scheduled to be repealed on January 1, 2028)

Sec. 15-15. Complaints; investigations; hearings. The Department may investigate the actions of any applicant or of any person or persons rendering or offering to render services or any person holding or claiming to hold a license under this Code. When the Department receives a complaint against a licensee regarding violations of this Act, the Department shall inspect the premises of the licensee. When the Department receives a complaint against a licensee relating to the mishandling of human remains or the misidentification of human remains, the Department shall inspect the premises named in the complaint within 10 calendar days after receipt of the complaint.

The Department shall, before refusing to issue or renew a license or seeking to discipline a licensee under Section 15-75, at least 30 days before the date set for the hearing, (i) notify the accused in writing of the charges made and the time and place for the hearing on the charges, (ii) direct him or her to file a written answer to the charges under oath within 20 days after service, and (iii) inform the applicant or licensee that failure to answer shall result in a default being entered against the applicant or licensee.

At the time and place fixed in the notice, the Board or the hearing officer appointed by the Secretary shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present any pertinent statements, testimony, evidence, and arguments. The Board or hearing officer may continue the hearing from time to time. In case the person, after receiving the notice, fails to file an answer, his or her license may, in the discretion of the Secretary be suspended, revoked, or placed on probationary status, or be subject to whatever disciplinary action the Secretary considers proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for that action under this Code. The written notice and any notice in the subsequent proceeding may be served by regular mail or email to the licensee's address of record.
(Source: P.A. 102-881, eff. 1-1-23.)

(225 ILCS 41/15-56 new)

Sec. 15-56. Chain of custody record. The Department shall require a funeral establishment to maintain an identification system that ensures that a funeral establishment is able to identify the human remains in its possession through final disposition.

(225 ILCS 41/15-75)

(Section scheduled to be repealed on January 1, 2028)

Sec. 15-75. Grounds for discipline; penalties.

(a) (Blank).

(a-5) Violations of this Code shall be punishable as follows:

(1) Intentionally or knowingly making a false statement on a Certificate of Death is a Class 4 felony.

(2) Intentionally or knowingly making or filing false records or reports in the practice of funeral directing and embalming, including, but not limited to, false records filed with State agencies or departments is a Class 4 felony.

(3) Intentionally or knowingly violating the chain of custody record requirements set forth in Section 15-56 is a Class 4 felony.

(4) Intentionally or knowingly violating the preparation rooms procedures and rules outlined in Section 15-55 is a Class 4 felony.

(5) Engaging in funeral directing or embalming without a license is a Class 3 felony.

(b) The Department may refuse to issue or renew, revoke, suspend, place on probation or administrative supervision, reprimand, or take other disciplinary or non-disciplinary action as the Department may deem appropriate, including fines not to exceed $10,000 for each violation, with regard to any license under this ~~the~~ Code for any one or combination of the following:

(1) Fraud or any misrepresentation in applying for or procuring a license under this Code or in connection with applying for renewal of a license under this Code.

(2) For licenses, conviction by plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or by sentencing of any crime, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation, under the laws of any jurisdiction of the United States: (i) that is a felony or (ii) that is a misdemeanor, an essential element of which is dishonesty, or that is directly related to the practice of the profession and, for initial applicants, convictions set forth in Section 15-72 of this Code ~~Act~~.

(3) (Blank). ~~Violation of the laws of this State relating to the funeral, burial or disposition of deceased human bodies or of the rules and regulations of the Department, or the Department of Public Health.~~

(4) Directly or indirectly paying or causing to be paid any sum of money or other valuable consideration for the securing of business or for obtaining authority to dispose of any deceased human body.

(5) Professional incompetence, gross negligence, malpractice, or untrustworthiness in the practice of funeral directing and embalming or funeral directing.

(6) (Blank).

(7) Engaging in, promoting, selling, or issuing burial contracts, burial certificates, or burial insurance policies in connection with the profession as a funeral director and embalmer, funeral director, or funeral director and embalmer intern in violation of any laws of the State of Illinois.

(8) Refusing, without cause, to surrender the custody of a deceased human body upon the proper request of the person or persons lawfully entitled to the custody of the body.

(9) Taking undue advantage of a client or clients as to amount to the perpetration of fraud.

(10) (Blank). ~~Engaging in funeral directing and embalming or funeral directing without a license.~~

(11) Encouraging, requesting, or suggesting by a licensee or some person working on his behalf and with his consent for compensation that a person utilize the services of a certain funeral director and embalmer, funeral director, or funeral establishment unless that information has been expressly requested by the person. This does not prohibit general advertising or pre-need solicitation.

(12) Making or causing to be made any false or misleading statements about the laws concerning the disposition of human remains, including, but not limited to, the need to embalm, the need for a casket for cremation or the need for an outer burial container.

(13) (Blank).

(14) Embalming or attempting to embalm a deceased human body without express prior authorization of the person responsible for making the funeral arrangements for the body. This does not apply to cases where embalming is directed by local authorities who have jurisdiction or when embalming is required by State or local law. A licensee may embalm without express prior authorization if a good faith effort has been made to contact family members and has been unsuccessful and the licensee has no reason to believe the family opposes embalming.

(15) (Blank). ~~Making a false statement on a Certificate of Death where the person making the statement knew or should have known that the statement was false.~~

(16) Soliciting human bodies after death or while death is imminent.

(17) Performing any act or practice that is a violation of this Code, the rules for the administration of this Code, or any federal, State or local laws, rules, or regulations governing the practice of funeral directing or embalming.

(18) Performing any act or practice that is a violation of Section 2 of the Consumer Fraud and Deceptive Business Practices Act.

(19) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud or harm the public.

(20) Taking possession of a dead human body without having first obtained express permission from the person holding the right to control the disposition in accordance with Section 5 of the

Disposition of Remains Act or a public agency legally authorized to direct, control or permit the removal of deceased human bodies.

(21) Advertising in a false or misleading manner or advertising using the name of an unlicensed person in connection with any service being rendered in the practice of funeral directing or funeral directing and embalming. The use of any name of an unlicensed or unregistered person in an advertisement so as to imply that the person will perform services is considered misleading advertising. Nothing in this paragraph shall prevent including the name of any owner, officer or corporate director of a funeral home, who is not a licensee, in any advertisement used by a funeral home with which the individual is affiliated, if the advertisement specifies the individual's affiliation with the funeral home.

(22) Charging for professional services not rendered, including filing false statements for the collection of fees for which services are not rendered.

(23) Failing to account for or remit any monies, documents, or personal property that belongs to others that comes into a licensee's possession.

(24) Treating any person differently to his detriment because of race, color, creed, gender, religion, or national origin.

(25) Knowingly making any false statements, oral or otherwise, of a character likely to influence, persuade or induce others in the course of performing professional services or activities.

(26) (Blank). ~~Willfully making or filing false records or reports in the practice of funeral directing and embalming, including, but not limited to, false records filed with State agencies or departments.~~

(27) Failing to acquire continuing education required under this Code.

(28) (Blank).

(29) Aiding or assisting another person in violating any provision of this Code or rules adopted pursuant to this Code.

(30) Failing within 10 days, to provide information in response to a written request made by the Department.

(31) Discipline by another state, District of Columbia, territory, foreign nation, or governmental agency, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section.

(32) (Blank).

(33) Mental illness or disability which results in the inability to practice the profession with reasonable judgment, skill, or safety.

(34) Gross, willful, or continued overcharging for professional services, including filing false statements for collection of fees for which services are not rendered.

(35) Physical illness, including, but not limited to, deterioration through the aging process or loss of motor skill which results in a licensee's inability to practice under this Code with reasonable judgment, skill, or safety.

(36) Failing to comply with any of the following required activities:

(A) When reasonably possible, a funeral director licensee or funeral director and embalmer licensee or anyone acting on his or her behalf shall obtain the express authorization of the person or persons responsible for making the funeral arrangements for a deceased human body prior to removing a body from the place of death or any place it may be or embalming or attempting to embalm a deceased human body, unless required by State or local law. This requirement is waived whenever removal or embalming is directed by local authorities who have jurisdiction. If the responsibility for the handling of the remains lawfully falls under the jurisdiction of a public agency, then the regulations of the public agency shall prevail.

(B) A licensee shall clearly mark the price of any casket offered for sale or the price of any service using the casket on or in the casket if the casket is displayed at the funeral establishment. If the casket is displayed at any other location, regardless of whether the licensee is in control of that location, the casket shall be clearly marked and the registrant shall use books, catalogues, brochures, or other printed display aids to show the price of each casket or service.

(C) At the time funeral arrangements are made and prior to rendering the funeral services, a licensee shall furnish a written statement of services to be retained by the person or persons making the funeral arrangements, signed by both parties, that shall contain: (i) the name,

address and telephone number of the funeral establishment and the date on which the arrangements were made; (ii) the price of the service selected and the services and merchandise included for that price; (iii) a clear disclosure that the person or persons making the arrangement may decline and receive credit for any service or merchandise not desired and not required by law or the funeral director or the funeral director and embalmer; (iv) the supplemental items of service and merchandise requested and the price of each item; (v) the terms or method of payment agreed upon; and (vi) a statement as to any monetary advances made by the registrant on behalf of the family. The licensee shall maintain a copy of the written statement of services in its permanent records. All written statements of services are subject to inspection by the Department.

(D) In all instances where the place of final disposition of a deceased human body or the cremated remains of a deceased human body is a cemetery, the licensed funeral director and embalmer, or licensed funeral director, who has been engaged to provide funeral or embalming services shall remain at the cemetery and personally witness the placement of the human remains in their designated grave or the sealing of the above ground depository, crypt, or urn. The licensed funeral director or licensed funeral director and embalmer may designate a licensed funeral director and embalmer intern or representative of the funeral home to be his or her witness to the placement of the remains. If the cemetery authority, cemetery manager, or any other agent of the cemetery takes any action that prevents compliance with this paragraph (D), then the funeral director and embalmer or funeral director shall provide written notice to the Department within 5 business days after failing to comply. If the Department receives this notice, then the Department shall not take any disciplinary action against the funeral director and embalmer or funeral director for a violation of this paragraph (D) unless the Department finds that the cemetery authority, manager, or any other agent of the cemetery did not prevent the funeral director and embalmer or funeral director from complying with this paragraph (D) as claimed in the written notice.

(E) A funeral director or funeral director and embalmer shall fully complete the portion of the Certificate of Death under the responsibility of the funeral director or funeral director and embalmer and provide all required information. In the event that any reported information subsequently changes or proves incorrect, a funeral director or funeral director and embalmer shall immediately upon learning the correct information correct the Certificate of Death.

(37) A finding by the Department that the licensee, after having his or her license placed on probationary status or subjected to conditions or restrictions, violated the terms of the probation or failed to comply with such terms or conditions.

(38) (Blank).

(39) Being named as a perpetrator in an indicated report by the Department of Children and Family Services pursuant to the Abused and Neglected Child Reporting Act and, upon proof by clear and convincing evidence, being found to have caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

(40) Habitual or excessive use or abuse of drugs defined in law as controlled substances, alcohol, or any other substance which results in the inability to practice with reasonable judgment, skill, or safety.

(41) Practicing under a false or, except as provided by law, an assumed name.

(42) Cheating on or attempting to subvert the licensing examination administered under this Code.

(c) The Department may refuse to issue or renew or may suspend without a hearing, as provided for in the Department of Professional Regulation Law of the Civil Administrative Code of Illinois, the license of any person who fails to file a return, to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest as required by any tax Act administered by the Illinois Department of Revenue, until the time as the requirements of the tax Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(d) No action may be taken under this Code against a person licensed under this Code unless the action is commenced within 5 years after the occurrence of the alleged violations. A continuing violation shall be deemed to have occurred on the date when the circumstances last existed that give rise to the alleged violation.

(e) Nothing in this Section shall be construed or enforced to give a funeral director and embalmer, or his or her designees, authority over the operation of a cemetery or over cemetery employees. Nothing in this Section shall be construed or enforced to impose duties or penalties on cemeteries with respect to the timing of the placement of human remains in their designated grave or the sealing of the above ground depository, crypt, or urn due to patron safety, the allocation of cemetery staffing, liability insurance, a collective bargaining agreement, or other such reasons.

(f) All fines imposed under this Section shall be paid 60 days after the effective date of the order imposing the fine.

(g) (Blank).

(h) In cases where the Department of Healthcare and Family Services has previously determined a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department may refuse to issue or renew or may revoke or suspend that person's license or may take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with item (5) of subsection (a) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(i) A person not licensed under this Code who is an owner of a funeral establishment or funeral business shall not aid, abet, assist, procure, advise, employ, or contract with any unlicensed person to offer funeral services or aid, abet, assist, or direct any licensed person contrary to or in violation of any rules or provisions of this Code. A person violating this subsection shall be treated as a licensee for the purposes of disciplinary action under this Section and shall be subject to cease and desist orders as provided in this Code, the imposition of a fine up to $10,000 for each violation and any other penalty provided by law.

(j) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code, as amended, operates as an automatic suspension. The suspension may end only upon a finding by a court that the licensee is no longer subject to the involuntary admission or judicial admission and issues an order so finding and discharging the licensee, and upon the recommendation of the Board to the Secretary that the licensee be allowed to resume his or her practice.

(k) In enforcing this Code, the Department, upon a showing of a possible violation, may compel an individual licensed to practice under this Code, or who has applied for licensure under this Code, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physician shall be specifically designated by the Department. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of this examination. The examination shall be performed by a physician licensed to practice medicine in all its branches. Failure of an individual to submit to a mental or physical examination, when directed, shall result in an automatic suspension without hearing.

A person holding a license under this Code or who has applied for a license under this Code who, because of a physical or mental illness or disability, including, but not limited to, deterioration through the aging process or loss of motor skill, is unable to practice the profession with reasonable judgment, skill, or safety, may be required by the Department to submit to care, counseling, or treatment by physicians approved or designated by the Department as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice. Submission to care, counseling, or treatment as required by the Department shall not be considered discipline of a license. If the licensee refuses to enter into a care, counseling, or treatment agreement or fails to abide by the terms of the agreement, the Department may file a complaint to revoke, suspend, or otherwise discipline the license of the individual. The Secretary may order the license suspended immediately, pending a hearing by the Department. Fines shall not be assessed in disciplinary actions involving physical or mental illness or impairment.

In instances in which the Secretary immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department shall have the authority to review the subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Code and affected under this Section shall be afforded an opportunity to demonstrate to the Department that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.
(Source: P.A. 102-881, eff. 1-1-23.)

Section 10. The Crematory Regulation Act is amended by changing Sections 5 and 35 as follows:
(410 ILCS 18/5)
(Section scheduled to be repealed on January 1, 2029)
Sec. 5. Definitions. As used in this Act:

"Address of record" means the designated address recorded by the Comptroller in the applicant's or licensee's application file or license file. It is the duty of the applicant or licensee to inform the Comptroller of any change of address within 14 days, and such changes must be made either through the Comptroller's website or by contacting the Comptroller. The address of record shall be the permanent street address of the crematory.

"Alternative container" means a receptacle, other than a casket, in which human remains are transported to the crematory and placed in the cremation chamber for cremation. An alternative container shall be (i) composed of readily combustible or consumable materials suitable for cremation, (ii) able to be closed in order to provide a complete covering for the human remains, (iii) resistant to leakage or spillage, (iv) rigid enough for handling with ease, and (v) able to provide protection for the health, safety, and personal integrity of crematory personnel.

"Authorizing agent" means a person legally entitled to order the cremation and final disposition of specific human remains. "Authorizing agent" includes an institution of medical, mortuary, or other sciences as provided in Section 20 of the Disposition of Remains of the Indigent Act.

"Body parts" means limbs or other portions of the anatomy that are removed from a person or human remains for medical purposes during treatment, surgery, biopsy, autopsy, or medical research; or human bodies or any portion of bodies that have been donated to science for medical research purposes.

"Burial transit permit" means a permit for disposition of a dead human body as required by Illinois law.

"Casket" means a rigid container that is designed for the encasement of human remains, is usually constructed of wood, metal, or like material and ornamented and lined with fabric, and may or may not be combustible.

"Chain of custody record" means a record that establishes the continuous control of the deceased's body, body parts, or human remains.

"Comptroller" means the Comptroller of the State of Illinois.

"Cremated remains" means all human remains recovered after the completion of the cremation, which may possibly include the residue of any foreign matter including casket material, bridgework, or eyeglasses, that was cremated with the human remains.

"Cremation" means the technical process, using heat and flame, or alkaline hydrolysis that reduces human remains to bone fragments. The reduction takes place through heat and evaporation or through hydrolysis. Cremation shall include the processing, and may include the pulverization, of the bone fragments.

"Cremation chamber" means the enclosed space within which the cremation takes place.

"Cremation interment container" means a rigid outer container that, subject to a cemetery's rules and regulations, is composed of concrete, steel, fiberglass, or some similar material in which an urn is placed prior to being interred in the ground, and which is designed to withstand prolonged exposure to the elements and to support the earth above the urn.

"Cremation room" means the room in which the cremation chamber is located.

"Crematory" means the building or portion of a building that houses the cremation room and the holding facility.

"Crematory authority" means the legal entity which is licensed by the Comptroller to operate a crematory and to perform cremations.

"Final disposition" means the burial, cremation, or other disposition of a dead human body or parts of a dead human body.

"Funeral director" means a person known by the title of "funeral director", "funeral director and embalmer", or other similar words or titles, licensed by the State to practice funeral directing or funeral directing and embalming.

"Funeral establishment" means a building or separate portion of a building having a specific street address and location and devoted to activities relating to the shelter, care, custody, and preparation of a deceased human body and may contain facilities for funeral or wake services.

"Holding facility" means an area that (i) is designated for the retention of human remains prior to cremation, (ii) complies with all applicable public health law, (iii) preserves the health and safety of the crematory authority personnel, and (iv) is secure from access by anyone other than authorized persons. A holding facility may be located in a cremation room.

"Human remains" means the body of a deceased person, including any form of body prosthesis that has been permanently attached or implanted in the body.

"Licensee" means an entity licensed under this Act. An entity that holds itself as a licensee or that is accused of unlicensed practice is considered a licensee for purposes of enforcement, investigation, hearings, and the Illinois Administrative Procedure Act.

"Niche" means a compartment or cubicle for the memorialization and permanent placement of an urn containing cremated remains.

"Person" means any person, partnership, association, corporation, limited liability company, or other entity, and in the case of any such business organization, its officers, partners, members, or shareholders possessing 25% or more of ownership of the entity.

"Processing" means the reduction of identifiable bone fragments after the completion of the cremation process to unidentifiable bone fragments by manual or mechanical means.

"Pulverization" means the reduction of identifiable bone fragments after the completion of the cremation process to granulated particles by manual or mechanical means.

"Scattering area" means an area which may be designated by a cemetery and located on dedicated cemetery property or property used for outdoor recreation or natural resource conservation owned by the Department of Natural Resources and designated as a scattering area, where cremated remains, which have been removed from their container, can be mixed with, or placed on top of, the soil or ground cover.

"Temporary container" means a receptacle for cremated remains, usually composed of cardboard, plastic or similar material, that can be closed in a manner that prevents the leakage or spillage of the cremated remains or the entrance of foreign material, and is a single container of sufficient size to hold the cremated remains until an urn is acquired or the cremated remains are scattered.

"Uniquely identified" means providing the deceased with individualized identification.

"Urn" means a receptacle designed to encase the cremated remains.

(Source: P.A. 100-97, eff. 1-1-18; 100-526, eff. 6-1-18; 100-863, eff. 8-14-18.)

(410 ILCS 18/35)

(Section scheduled to be repealed on January 1, 2029)

Sec. 35. Cremation procedures.

(a) Human remains shall not be cremated within 24 hours after the time of death, as indicated on the Medical Examiner's/Coroner's Certificate of Death. In any death, the human remains shall not be cremated by the crematory authority until a cremation permit has been received from the coroner or medical examiner of the county in which the death occurred and the crematory authority has received a cremation authorization form, executed by an authorizing agent, in accordance with the provisions of Section 15 of this Act. In no instance, however, shall the lapse of time between the death and the cremation be less than 24 hours, unless (i) it is known the deceased has an infectious or dangerous disease and that the time requirement is waived in writing by the medical examiner or coroner where the death occurred or (ii) because of a religious requirement.

(b) Except as set forth in subsection (a) of this Section, a crematory authority shall have the right to schedule the actual cremation to be performed at its own convenience, at any time after the human remains have been delivered to the crematory authority, unless the crematory authority has received specific instructions to the contrary on the cremation authorization form.

(c) No crematory authority shall cremate human remains when it has actual knowledge that human remains contain a pacemaker or any other material or implant that may be potentially hazardous to the person performing the cremation.

(d) No crematory authority shall refuse to accept human remains for cremation because such human remains are not embalmed.

(e) Whenever a crematory authority is unable or unauthorized to cremate human remains immediately upon taking custody of the remains, the crematory authority shall place the human remains in a holding facility in accordance with the crematory authority's rules and regulations. The crematory authority must

notify the authorizing agent of the reasons for delay in cremation if a properly authorized cremation is not performed within any time period expressly contemplated in the authorization.

(f) A crematory authority shall not accept a casket or alternative container from which there is any evidence of the leakage of body fluids.

(g) The casket or the alternative container shall be cremated with the human remains or destroyed, unless the crematory authority has notified the authorizing agent to the contrary on the cremation authorization form and obtained the written consent of the authorizing agent.

(h) The simultaneous cremation of the human remains of more than one person within the same cremation chamber, without the prior written consent of the authorizing agent, is prohibited except for common cremation pursuant to Section 11.4 of the Hospital Licensing Act. Nothing in this subsection, however, shall prevent the simultaneous cremation within the same cremation chamber of body parts delivered to the crematory authority from multiple sources, or the use of cremation equipment that contains more than one cremation chamber.

(i) No unauthorized person shall be permitted in the holding facility or cremation room while any human remains are being held there awaiting cremation, being cremated, or being removed from the cremation chamber.

(j) A crematory authority shall not remove any dental gold, body parts, organs, or any item of value prior to or subsequent to a cremation without previously having received specific written authorization from the authorizing agent and written instructions for the delivery of these items to the authorizing agent. Under no circumstances shall a crematory authority profit from making or assisting in any removal of valuables.

(k) Upon the completion of each cremation, and insofar as is practicable, all of the recoverable residue of the cremation process shall be removed from the cremation chamber.

(l) If all of the recovered cremated remains will not fit within the receptacle that has been selected, the remainder of the cremated remains shall be returned to the authorizing agent or the agent's designee in a separate container. The crematory authority shall not return to an authorizing agent or the agent's designee more or less cremated remains than were removed from the cremation chamber.

(m) A crematory authority shall not knowingly represent to an authorizing agent or the agent's designee that a temporary container or urn contains the cremated remains of a specific decedent when it does not.

(n) Cremated remains shall be shipped only by a method that has an internal tracing system available and that provides a receipt signed, in either paper or electronic format, by the person accepting delivery.

(o) A crematory authority shall maintain a chain of custody record, which is an identification system that ensures ~~shall ensure~~ that a crematory authority is ~~it shall be~~ able to identify the human remains in its possession throughout all phases of the cremation process.

(p) A crematory authority shall not take possession of unembalmed human remains that cannot be cremated within 24 hours unless it provides or maintains either of the following capable of maintaining a temperature of less than 40 degrees Fahrenheit: an operable refrigeration unit, with cleanable, noncorrosive interior and exterior finishes, or a suitable cooling room.

(Source: P.A. 102-824, eff. 1-1-23; 103-253, eff. 6-30-23.)".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Morrison, **Senate Bill No. 2644** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 2644

AMENDMENT NO. 1 . Amend Senate Bill 2644 on page 1, line 8, by replacing "The" with "Beginning January 1, 2026, the"; and

on page 1, line 12, by replacing "POLST" with "Practitioner Order for Life-Sustaining Treatment (POLST)"; and

on page 1, line 14, immediately after "available", by inserting "electronically"; and

on page 2, immediately below line 12, by inserting the following:

"(g) Nothing in this Section requires a health care professional or health care provider, including a hospital licensed under the Hospital Licensing Act and a hospital organized under the University of Illinois Hospital Act, to (i) inquire whether a patient has a Department of Public Health Uniform POLST form registered on the Advance Directive Registry or (ii) access or search the Advance Directive Registry to determine whether a patient has registered a Department of Public Health Uniform POLST form or the terms of the form.

(h) A health care professional or health care provider, including a hospital licensed under the Hospital Licensing Act and a hospital organized under the University of Illinois Hospital Act, is not subject to civil or criminal liability or professional discipline for failure to access or search the Advance Directive Registry. Notwithstanding any other provision of this Section, a health care professional or health care provider who relies in good faith on the provisions of a Department of Public Health Uniform POLST form retrieved from the Advance Directive Registry is immune from criminal and civil liability as described in subsection (d) of Section 65 of the Health Care Surrogate Act.".

Senator Morrison offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2644

AMENDMENT NO. 2 . Amend Senate Bill 2644, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Secretary of State Act is amended by adding Section 34 as follows:

(15 ILCS 305/34 new)

Sec. 34. Advance Directive Registry.

(a) By January 1, 2027, the Secretary of State shall establish an electronic registry, to be known as the Advance Directive Registry, through which residents of the State of Illinois may deposit, with the Secretary of State, a completed Department of Public Health Uniform Practitioner Order for Life-Sustaining Treatment (POLST) form. In calendar year 2026, the Secretary of State shall, in good faith, promote the Advance Directive Registry throughout the State by disseminating information about the Advance Directive Registry in the form and manner prescribed by the Secretary of State.

(b) Information in the Advance Directive Registry shall be made available electronically to hospitals licensed under the Hospital Licensing Act and hospitals organized under the University of Illinois Hospital Act, and those hospitals may rely on information obtained from the Advance Directive Registry as an accurate copy of the documents filed with the Advance Directive Registry.

(c) Nothing in this Section shall limit the right to amend or revoke a Department of Public Health Uniform POLST form previously filed with the Advance Directive Registry.

(d) The Secretary of State shall adopt any rules necessary to implement this amendatory Act of the 103rd General Assembly, and the Secretary of State shall also provide on the Secretary of State's website information regarding use of the Advance Directive Registry.

(e) In the absence of gross negligence or willful misconduct, the Secretary of State and employees of the Secretary of State are immune from any civil or criminal liability in connection with the creation and maintenance of the Advance Directive Registry described in this Section.

(f) A person who knowingly submits a document to the Advance Directive Registry without authorization or assists in such submission shall be guilty of a Class A misdemeanor.

(g) Nothing in this Section requires a health care professional or health care provider, including a hospital licensed under the Hospital Licensing Act and a hospital organized under the University of Illinois Hospital Act, to (i) inquire whether a patient has a Department of Public Health Uniform POLST form registered on the Advance Directive Registry or (ii) access or search the Advance Directive Registry to determine whether a patient has registered a Department of Public Health Uniform POLST form or the terms of the form.

(h) A health care professional or health care provider, including a hospital licensed under the Hospital Licensing Act and a hospital organized under the University of Illinois Hospital Act, is not subject to civil or criminal liability or professional discipline for failure to access or search the Advance Directive Registry. Notwithstanding any other provision of this Section, a health care professional or health care provider who relies in good faith on the provisions of a Department of Public Health Uniform POLST form retrieved from the Advance Directive Registry is immune from criminal and civil liability as described in subsection (d) of

Section 65 of the Health Care Surrogate Act.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Porfirio, **Senate Bill No. 2665** having been printed, was taken up, read by title a second time.

Senator Porfirio offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2665

AMENDMENT NO. 1 . Amend Senate Bill 2665 on page 1, by replacing lines 19 through 22 with the following:

""Active military duty" has the meaning given to "active service" in Section 1-10 of the Service Member Employment and Reemployment Rights Act.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Peters, **Senate Bill No. 2689** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Education, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 2689

AMENDMENT NO. 1 . Amend Senate Bill 2689 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 21B-25 as follows:

(105 ILCS 5/21B-25)

Sec. 21B-25. Endorsement on licenses. All licenses issued under paragraph (1) of Section 21B-20 of this Code shall be specifically endorsed by the State Board of Education for each content area, school support area, and administrative area for which the holder of the license is qualified. Recognized institutions approved to offer educator preparation programs shall be trained to add endorsements to licenses issued to applicants who meet all of the requirements for the endorsement or endorsements, including passing any required tests. The State Superintendent of Education shall randomly audit institutions to ensure that all rules and standards are being followed for entitlement or when endorsements are being recommended.

(1) The State Board of Education, in consultation with the State Educator Preparation and Licensure Board, shall establish, by rule, the grade level and subject area endorsements to be added to the Professional Educator License. These rules shall outline the requirements for obtaining each endorsement.

(1.5) By June 1, 2025, the State Board of Education, in consultation with the State Educator Preparation and Licensure Board, shall establish, by rule, a Montessori education endorsement to be added to a Professional Educator License. The rules adopted under this paragraph (1.5) shall outline the requirements for obtaining the endorsement. The changes added to this Section by this amendatory Act of the 103rd General Assembly are inoperative on and after January 1, 2026.

(2) In addition to any and all grade level and content area endorsements developed by rule, the State Board of Education, in consultation with the State Educator Preparation and Licensure Board, shall develop the requirements for the following endorsements:

(A) (Blank).

(B) Principal endorsement. A principal endorsement shall be affixed to a Professional Educator License of any holder who qualifies by having all of the following:

(i) Successful completion of a principal preparation program approved in accordance with Section 21B-60 of this Code and any applicable rules.

(ii) At least 4 total years of teaching or 4 total years of working in the capacity of school support personnel in an Illinois public school or nonpublic school recognized by the State Board of Education, in a school under the supervision of the Department of Corrections, or in an out-of-state public school or out-of-state nonpublic school meeting out-of-state recognition standards comparable to those approved by the State Superintendent of Education; however, the State Board of Education, in consultation with the State Educator Preparation and Licensure Board, shall allow, by rules, for fewer than 4 years of experience based on meeting standards set forth in such rules, including without limitation a review of performance evaluations or other evidence of demonstrated qualifications.

(iii) A master's degree or higher from a regionally accredited college or university.

(C) Chief school business official endorsement. A chief school business official endorsement shall be affixed to the Professional Educator License of any holder who qualifies by having a master's degree or higher, 2 years of full-time administrative experience in school business management or 2 years of university-approved practical experience, and a minimum of 24 semester hours of graduate credit in a program approved by the State Board of Education for the preparation of school business administrators and by passage of the applicable State tests. The chief school business official endorsement may also be affixed to the Professional Educator License of any holder who qualifies by having a master's degree in business administration, finance, accounting, or public administration and who completes an additional 6 semester hours of internship in school business management from a regionally accredited institution of higher education and passes the applicable State tests. This endorsement shall be required for any individual employed as a chief school business official.

(D) Superintendent endorsement. A superintendent endorsement shall be affixed to the Professional Educator License of any holder who has completed a program approved by the State Board of Education for the preparation of superintendents of schools, has had at least 2 years of experience employed full-time in a general administrative position or as a full-time principal, director of special education, or chief school business official in the public schools or in a State-recognized nonpublic school in which the chief administrator is required to have the licensure necessary to be a principal in a public school in this State and where a majority of the teachers are required to have the licensure necessary to be instructors in a public school in this State, and has passed the required State tests; or of any holder who has completed a program that is not an Illinois-approved educator preparation program at an Illinois institution of higher education and that has recognition standards comparable to those approved by the State Superintendent of Education and holds the general administrative, principal, or chief school business official endorsement and who has had 2 years of experience as a principal, director of special education, or chief school business official while holding a valid educator license or certificate comparable in validity and educational and experience requirements and has passed the appropriate State tests, as provided in Section 21B-30 of this Code. The superintendent endorsement shall allow individuals to serve only as a superintendent or assistant superintendent.

(E) Teacher leader endorsement. It shall be the policy of this State to improve the quality of instructional leaders by providing a career pathway for teachers interested in serving in leadership roles, but not as principals. The State Board of Education, in consultation with the State Educator Preparation and Licensure Board, may issue a teacher leader endorsement under this subdivision (E). Persons who meet and successfully complete the requirements of the endorsement shall be issued a teacher leader endorsement on the Professional Educator License for serving in schools in this State. Teacher leaders may qualify to serve in such positions as department chairs, coaches, mentors, curriculum and instruction leaders, or other leadership positions as defined by the district. The endorsement shall be available to those teachers who (i) hold a Professional Educator License, (ii) hold a master's degree or higher from a regionally accredited institution, (iii) have completed a program of study that has been approved by the State Board of Education, in consultation with the State Educator Preparation and Licensure Board, and (iv) have successfully demonstrated competencies as defined by rule.

A teacher who meets the requirements set forth in this Section and holds a teacher leader endorsement may evaluate teachers pursuant to Section 24A-5 of this Code, provided that the

individual has completed the evaluation component required by Section 24A-3 of this Code and a teacher leader is allowed to evaluate personnel under the respective school district's collective bargaining agreement.

The State Board of Education, in consultation with the State Educator Preparation and Licensure Board, may adopt such rules as may be necessary to establish and implement the teacher leader endorsement program and to specify the positions for which this endorsement shall be required.

(F) Special education endorsement. A special education endorsement in one or more areas shall be affixed to a Professional Educator License for any individual that meets those requirements established by the State Board of Education in rules. Special education endorsement areas shall include without limitation the following:

(i) Learning Behavior Specialist I;
(ii) Learning Behavior Specialist II;
(iii) Speech Language Pathologist;
(iv) Blind or Visually Impaired;
(v) Deaf-Hard of Hearing;
(vi) Early Childhood Special Education; and
(vii) Director of Special Education.

Notwithstanding anything in this Code to the contrary, the State Board of Education, in consultation with the State Educator Preparation and Licensure Board, may add additional areas of special education by rule.

(G) School support personnel endorsement. School support personnel endorsement areas shall include, but are not limited to, school counselor, marriage and family therapist, school psychologist, school speech and language pathologist, school nurse, and school social worker. This endorsement is for individuals who are not teachers or administrators, but still require licensure to work in an instructional support position in a public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control or a charter school operating in compliance with the Charter Schools Law. The school support personnel endorsement shall be affixed to the Professional Educator License and shall meet all of the requirements established in any rules adopted to implement this subdivision (G). The holder of such an endorsement is entitled to all of the rights and privileges granted holders of any other Professional Educator License, including teacher benefits, compensation, and working conditions.

(Source: P.A. 100-13, eff. 7-1-17; 100-267, eff. 8-22-17; 100-288, eff. 8-24-17; 100-596, eff. 7-1-18; 100-780, eff. 1-1-19; 100-863, eff. 8-14-18; 101-81, eff. 7-12-19; 101-220, eff. 8-7-19.)".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Joyce, **Senate Bill No. 2767** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Holmes, **Senate Bill No. 2778** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Local Government, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 2778

AMENDMENT NO. 1 . Amend Senate Bill 2778 on page 1, line 13, by replacing "shall be examined no later than 2 weeks" with "may be examined as soon as possible prior to the next examination date"; and

on page 3, lines 24 and 25, by replacing "shall be examined no later than 2 weeks" with "may be examined as soon as possible prior to the next examination date"; and

on page 5, lines 9 and 10, by replacing "shall be examined no later than 2 weeks" with "may be examined as soon as possible prior to the next examination date".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Belt, **Senate Bill No. 2803** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Special Committee on Criminal Law and Public Safety, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 2803

AMENDMENT NO. 1 . Amend Senate Bill 2803 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Identification Card Act is amended by changing Sections 4 and 12 as follows:

(15 ILCS 335/4)

(Text of Section before amendment by P.A. 103-210)

Sec. 4. Identification card.

(a) The Secretary of State shall issue a standard Illinois Identification Card to any natural person who is a resident of the State of Illinois who applies for such card, or renewal thereof. No identification card shall be issued to any person who holds a valid foreign state identification card, license, or permit unless the person first surrenders to the Secretary of State the valid foreign state identification card, license, or permit. The card shall be prepared and supplied by the Secretary of State and shall include a photograph and signature or mark of the applicant. However, the Secretary of State may provide by rule for the issuance of Illinois Identification Cards without photographs if the applicant has a bona fide religious objection to being photographed or to the display of his or her photograph. The Illinois Identification Card may be used for identification purposes in any lawful situation only by the person to whom it was issued. As used in this Act, "photograph" means any color photograph or digitally produced and captured image of an applicant for an identification card. As used in this Act, "signature" means the name of a person as written by that person and captured in a manner acceptable to the Secretary of State.

(a-5) If an applicant for an identification card has a current driver's license or instruction permit issued by the Secretary of State, the Secretary may require the applicant to utilize the same residence address and name on the identification card, driver's license, and instruction permit records maintained by the Secretary. The Secretary may promulgate rules to implement this provision.

(a-10) If the applicant is a judicial officer as defined in Section 1-10 of the Judicial Privacy Act or a peace officer, the applicant may elect to have his or her office or work address listed on the card instead of the applicant's residence or mailing address. The Secretary may promulgate rules to implement this provision. For the purposes of this subsection (a-10), "peace officer" means any person who by virtue of his or her office or public employment is vested by law with a duty to maintain public order or to make arrests for a violation of any penal statute of this State, whether that duty extends to all violations or is limited to specific violations.

(a-15) The Secretary of State may provide for an expedited process for the issuance of an Illinois Identification Card. The Secretary shall charge an additional fee for the expedited issuance of an Illinois Identification Card, to be set by rule, not to exceed $75. All fees collected by the Secretary for expedited Illinois Identification Card service shall be deposited into the Secretary of State Special Services Fund. The Secretary may adopt rules regarding the eligibility, process, and fee for an expedited Illinois Identification Card. If the Secretary of State determines that the volume of expedited identification card requests received on a given day exceeds the ability of the Secretary to process those requests in an expedited manner, the Secretary may decline to provide expedited services, and the additional fee for the expedited service shall be refunded to the applicant.

(a-20) The Secretary of State shall issue a standard Illinois Identification Card to a person committed to the Department of Corrections, the ~~or~~ Department of Juvenile Justice, a Federal Bureau of Prisons facility located in Illinois, or a county jail or county department of corrections as follows: ~~upon receipt of the person's birth certificate, social security card, photograph, proof of residency upon discharge, and an identification card application transferred via a secure method as agreed upon by the Secretary and the~~

~~Department of Corrections or Department of Juvenile Justice. Illinois residency shall be established by submission of a Secretary of State prescribed Identification Card verification form completed by the respective Department.~~

(1) A committed person who has previously held an Illinois Identification Card or an Illinois driver's license shall submit an Identification Card verification form to the Secretary of State, including a photograph taken by the correctional facility, proof of residency upon discharge, and a social security number, if the committed person has a social security number. If the committed person does not have a social security number and is eligible for a social security number, the Secretary of State shall not issue a standard Illinois Identification Card until the committed person obtains a social security number. If the committed person's photograph and demographic information matches an existing Illinois Identification Card or Illinois driver's license and the Secretary of State verifies the applicant's social security number with the Social Security Administration, the Secretary of State shall issue the committed person a standard Illinois Identification Card. If the photograph or demographic information matches an existing Illinois Identification Card or Illinois driver's license in another person's name or identity, a standard Illinois Identification Card shall not be issued until the committed person submits a certified birth certificate and social security card to the Secretary of State and the Secretary of State verifies the identity of the committed person. If the Secretary of State cannot find a match to an existing Illinois Identification Card or Illinois driver's license, the committed person may apply for a standard Illinois Identification card as described in paragraph (2).

(2) A committed person who has not previously held an Illinois Identification Card or Illinois driver's license or for whom a match cannot be found as described in paragraph (1) shall submit an Identification Card verification form, including a photograph taken by the correctional facility, a certified birth certificate, proof of residency upon discharge, and a social security number, if the committed has a social security number. If the committed person does not have a social security number and is eligible for a social security number, the Secretary of State shall not issue a standard Illinois Identification Card until the committed person obtains a social security number. If the Secretary of State verifies the applicant's social security number with the Social Security Administration, the Secretary of State shall issue the committed person a standard Illinois Identification Card.

The Illinois Identification Card verification form described in this subsection shall be prescribed by the Secretary State. The Secretary of State and correctional facilities in this State shall establish a secure method to transfer the form.

(a-25) The Secretary of State shall issue a limited-term Illinois Identification Card valid for 90 days to a committed person upon release on parole, mandatory supervised release, aftercare release, final discharge, or pardon from the Department of Corrections, the ~~or~~ Department of Juvenile Justice, a Federal Bureau of Prisons facility located in Illinois, or a county jail or county department of corrections, if the released person does not obtain a standard Illinois Identification Card as described in subsection (a-20) prior to release ~~is unable to present a certified copy of his or her birth certificate and social security card or other documents authorized by the Secretary,~~ but does present a Secretary of State prescribed Identification Card verification form completed by the correctional facility ~~Department of Corrections or Department of Juvenile Justice~~, verifying the released person's date of birth, social security number, if the person has a social security number, and his or her Illinois residence address. The verification form must have been completed no more than 30 days prior to the date of application for the Illinois Identification Card.

Prior to the expiration of the 90-day period of the limited-term Illinois Identification Card, if the released person submits to the Secretary of State a certified copy of his or her birth certificate and his or her social security card or other documents authorized by the Secretary, a standard Illinois Identification Card shall be issued. A limited-term Illinois Identification Card may not be renewed.

This subsection shall not apply to a released person who was unable to obtain a standard Illinois Identification Card because his or her photograph or demographic information matched an existing Illinois Identification Card or Illinois driver's license in another person's name or identity or to a released person who does not have a social security number and is eligible for a social security number.

(a-30) The Secretary of State shall issue a standard Illinois Identification Card to a person upon conditional release or absolute discharge from the custody of the Department of Human Services, if the person presents a certified copy of his or her birth certificate, social security card, or other documents authorized by the Secretary, and a document proving his or her Illinois residence address. The Secretary of State shall issue a standard Illinois Identification Card to a person prior to his or her conditional release or

absolute discharge if personnel from the Department of Human Services bring the person to a Secretary of State location with the required documents. Documents proving residence address may include any official document of the Department of Human Services showing the person's address after release and a Secretary of State prescribed verification form, which may be executed by personnel of the Department of Human Services.

(a-35) The Secretary of State shall issue a limited-term Illinois Identification Card valid for 90 days to a person upon conditional release or absolute discharge from the custody of the Department of Human Services, if the person is unable to present a certified copy of his or her birth certificate and social security card or other documents authorized by the Secretary, but does present a Secretary of State prescribed verification form completed by the Department of Human Services, verifying the person's date of birth and social security number, and a document proving his or her Illinois residence address. The verification form must have been completed no more than 30 days prior to the date of application for the Illinois Identification Card. The Secretary of State shall issue a limited-term Illinois Identification Card to a person no sooner than 14 days prior to his or her conditional release or absolute discharge if personnel from the Department of Human Services bring the person to a Secretary of State location with the required documents. Documents proving residence address shall include any official document of the Department of Human Services showing the person's address after release and a Secretary of State prescribed verification form, which may be executed by personnel of the Department of Human Services.

(b) The Secretary of State shall issue a special Illinois Identification Card, which shall be known as an Illinois Person with a Disability Identification Card, to any natural person who is a resident of the State of Illinois, who is a person with a disability as defined in Section 4A of this Act, who applies for such card, or renewal thereof. No Illinois Person with a Disability Identification Card shall be issued to any person who holds a valid foreign state identification card, license, or permit unless the person first surrenders to the Secretary of State the valid foreign state identification card, license, or permit. The Secretary of State shall charge no fee to issue such card. The card shall be prepared and supplied by the Secretary of State, and shall include a photograph and signature or mark of the applicant, a designation indicating that the card is an Illinois Person with a Disability Identification Card, and shall include a comprehensible designation of the type and classification of the applicant's disability as set out in Section 4A of this Act. However, the Secretary of State may provide by rule for the issuance of Illinois Person with a Disability Identification Cards without photographs if the applicant has a bona fide religious objection to being photographed or to the display of his or her photograph. If the applicant so requests, the card shall include a description of the applicant's disability and any information about the applicant's disability or medical history which the Secretary determines would be helpful to the applicant in securing emergency medical care. If a mark is used in lieu of a signature, such mark shall be affixed to the card in the presence of two witnesses who attest to the authenticity of the mark. The Illinois Person with a Disability Identification Card may be used for identification purposes in any lawful situation by the person to whom it was issued.

The Illinois Person with a Disability Identification Card may be used as adequate documentation of disability in lieu of a physician's determination of disability, a determination of disability from a physician assistant, a determination of disability from an advanced practice registered nurse, or any other documentation of disability whenever any State law requires that a person with a disability provide such documentation of disability, however an Illinois Person with a Disability Identification Card shall not qualify the cardholder to participate in any program or to receive any benefit which is not available to all persons with like disabilities. Notwithstanding any other provisions of law, an Illinois Person with a Disability Identification Card, or evidence that the Secretary of State has issued an Illinois Person with a Disability Identification Card, shall not be used by any person other than the person named on such card to prove that the person named on such card is a person with a disability or for any other purpose unless the card is used for the benefit of the person named on such card, and the person named on such card consents to such use at the time the card is so used.

An optometrist's determination of a visual disability under Section 4A of this Act is acceptable as documentation for the purpose of issuing an Illinois Person with a Disability Identification Card.

When medical information is contained on an Illinois Person with a Disability Identification Card, the Office of the Secretary of State shall not be liable for any actions taken based upon that medical information.

(c) The Secretary of State shall provide that each original or renewal Illinois Identification Card or Illinois Person with a Disability Identification Card issued to a person under the age of 21 shall be of a distinct nature from those Illinois Identification Cards or Illinois Person with a Disability Identification

Cards issued to individuals 21 years of age or older. The color designated for Illinois Identification Cards or Illinois Person with a Disability Identification Cards for persons under the age of 21 shall be at the discretion of the Secretary of State.

(c-1) Each original or renewal Illinois Identification Card or Illinois Person with a Disability Identification Card issued to a person under the age of 21 shall display the date upon which the person becomes 18 years of age and the date upon which the person becomes 21 years of age.

(c-3) The General Assembly recognizes the need to identify military veterans living in this State for the purpose of ensuring that they receive all of the services and benefits to which they are legally entitled, including healthcare, education assistance, and job placement. To assist the State in identifying these veterans and delivering these vital services and benefits, the Secretary of State is authorized to issue Illinois Identification Cards and Illinois Person with a Disability Identification Cards with the word "veteran" appearing on the face of the cards. This authorization is predicated on the unique status of veterans. The Secretary may not issue any other identification card which identifies an occupation, status, affiliation, hobby, or other unique characteristics of the identification card holder which is unrelated to the purpose of the identification card.

(c-5) Beginning on or before July 1, 2015, the Secretary of State shall designate a space on each original or renewal identification card where, at the request of the applicant, the word "veteran" shall be placed. The veteran designation shall be available to a person identified as a veteran under subsection (b) of Section 5 of this Act who was discharged or separated under honorable conditions.

(d) The Secretary of State may issue a Senior Citizen discount card, to any natural person who is a resident of the State of Illinois who is 60 years of age or older and who applies for such a card or renewal thereof. The Secretary of State shall charge no fee to issue such card. The card shall be issued in every county and applications shall be made available at, but not limited to, nutrition sites, senior citizen centers and Area Agencies on Aging. The applicant, upon receipt of such card and prior to its use for any purpose, shall have affixed thereon in the space provided therefor his signature or mark.

(e) The Secretary of State, in his or her discretion, may designate on each Illinois Identification Card or Illinois Person with a Disability Identification Card a space where the card holder may place a sticker or decal, issued by the Secretary of State, of uniform size as the Secretary may specify, that shall indicate in appropriate language that the card holder has renewed his or her Illinois Identification Card or Illinois Person with a Disability Identification Card.
(Source: P.A. 102-299, eff. 8-6-21; 103-345, eff. 1-1-24.)

(Text of Section after amendment by P.A. 103-210)

Sec. 4. Identification card.

(a) The Secretary of State shall issue a standard Illinois Identification Card to any natural person who is a resident of the State of Illinois who applies for such card, or renewal thereof. No identification card shall be issued to any person who holds a valid foreign state identification card, license, or permit unless the person first surrenders to the Secretary of State the valid foreign state identification card, license, or permit. The card shall be prepared and supplied by the Secretary of State and shall include a photograph and signature or mark of the applicant. However, the Secretary of State may provide by rule for the issuance of Illinois Identification Cards without photographs if the applicant has a bona fide religious objection to being photographed or to the display of his or her photograph. The Illinois Identification Card may be used for identification purposes in any lawful situation only by the person to whom it was issued. As used in this Act, "photograph" means any color photograph or digitally produced and captured image of an applicant for an identification card. As used in this Act, "signature" means the name of a person as written by that person and captured in a manner acceptable to the Secretary of State.

(a-5) If an applicant for an identification card has a current driver's license or instruction permit issued by the Secretary of State, the Secretary may require the applicant to utilize the same residence address and name on the identification card, driver's license, and instruction permit records maintained by the Secretary. The Secretary may promulgate rules to implement this provision.

(a-10) If the applicant is a judicial officer as defined in Section 1-10 of the Judicial Privacy Act or a peace officer, the applicant may elect to have his or her office or work address listed on the card instead of the applicant's residence or mailing address. The Secretary may promulgate rules to implement this provision. For the purposes of this subsection (a-10), "peace officer" means any person who by virtue of his or her office or public employment is vested by law with a duty to maintain public order or to make arrests

for a violation of any penal statute of this State, whether that duty extends to all violations or is limited to specific violations.

(a-15) The Secretary of State may provide for an expedited process for the issuance of an Illinois Identification Card. The Secretary shall charge an additional fee for the expedited issuance of an Illinois Identification Card, to be set by rule, not to exceed $75. All fees collected by the Secretary for expedited Illinois Identification Card service shall be deposited into the Secretary of State Special Services Fund. The Secretary may adopt rules regarding the eligibility, process, and fee for an expedited Illinois Identification Card. If the Secretary of State determines that the volume of expedited identification card requests received on a given day exceeds the ability of the Secretary to process those requests in an expedited manner, the Secretary may decline to provide expedited services, and the additional fee for the expedited service shall be refunded to the applicant.

(a-20) The Secretary of State shall issue a standard Illinois Identification Card to a person committed to the Department of Corrections, the ~~or~~ Department of Juvenile Justice, a Federal Bureau of Prisons facility located in Illinois, or a county jail or county department of corrections as follows: ~~upon receipt of the person's birth certificate, social security card, photograph, proof of residency upon discharge, and an identification card application transferred via a secure method as agreed upon by the Secretary and the Department of Corrections or Department of Juvenile Justice, if the person has a social security number,. Illinois residency shall be established by submission of a Secretary of State prescribed Identification Card verification form completed by the respective Department.~~

(1) A committed person who has previously held an Illinois Identification Card or an Illinois driver's license shall submit an Identification Card verification form to the Secretary of State, including a photograph taken by the correctional facility, proof of residency upon discharge, and a social security number, if the committed person has a social security number. If the committed person does not have a social security number and is eligible for a social security number, the Secretary of State shall not issue a standard Illinois Identification Card until the committed person obtains a social security number. If the committed person's photograph and demographic information matches an existing Illinois Identification Card or Illinois driver's license and the Secretary of State verifies the applicant's social security number with the Social Security Administration, the Secretary of State shall issue the committed person a standard Illinois Identification Card. If the photograph or demographic information matches an existing Illinois Identification Card or Illinois driver's license in another person's name or identity, a standard Illinois Identification Card shall not be issued until the committed person submits a certified birth certificate and social security card to the Secretary of State and the Secretary of State verifies the identity of the committed person. If the Secretary of State cannot find a match to an existing Illinois Identification Card or Illinois driver's license, the committed person may apply for a standard Illinois Identification card as described in paragraph (2).

(2) A committed person who has not previously held an Illinois Identification Card or Illinois driver's license or for whom a match cannot be found as described in paragraph (1) shall submit an Illinois Identification Card verification form, including a photograph taken by the correctional facility, a certified birth certificate, proof of residency upon discharge, and a social security number, if the committed has a social security number. If the committed person does not have a social security number and is eligible for a social security number, the Secretary of State shall not issue a standard Illinois Identification Card until the committed person obtains a social security number. If the Secretary of State verifies the applicant's social security number with the Social Security Administration, the Secretary of State shall issue the committed person a standard Illinois Identification Card.

The Illinois Identification Card verification form described in this subsection shall be prescribed by the Secretary State. The Secretary of State and correctional facilities in this State shall establish a secure method to transfer the form.

(a-25) The Secretary of State shall issue a limited-term Illinois Identification Card valid for 90 days to a committed person upon release on parole, mandatory supervised release, aftercare release, final discharge, or pardon from the Department of Corrections, the ~~or~~ Department of Juvenile Justice, a Federal Bureau of Prisons facility located in Illinois, or a county jail or county department of corrections, if the released person does not obtain a standard Illinois Identification Card as described in subsection (a-20) prior to release ~~is unable to present a certified copy of his or her birth certificate and social security card, if the person has a social security number, or other documents authorized by the Secretary,~~ but does present a Secretary of State prescribed Identification Card verification form completed by the correctional facility ~~Department of~~

~~Corrections or Department of Juvenile Justice~~, verifying the released person's date of birth, social security number, if the person has a social security number, and his or her Illinois residence address. The verification form must have been completed no more than 30 days prior to the date of application for the Illinois Identification Card.

Prior to the expiration of the 90-day period of the limited-term Illinois Identification Card, if the released person submits to the Secretary of State a certified copy of his or her birth certificate and his or her social security card, if the person has a social security number, or other documents authorized by the Secretary, a standard Illinois Identification Card shall be issued. A limited-term Illinois Identification Card may not be renewed.

This subsection shall not apply to a released person who was unable to obtain a standard Illinois Identification Card because his or her photograph or demographic information matched an existing Illinois Identification Card or Illinois driver's license in another person's name or identity or to a released person who does not have a social security number and is eligible for a social security number.

(a-30) The Secretary of State shall issue a standard Illinois Identification Card to a person upon conditional release or absolute discharge from the custody of the Department of Human Services, if the person presents a certified copy of his or her birth certificate, social security card, if the person has a social security number, or other documents authorized by the Secretary, and a document proving his or her Illinois residence address. The Secretary of State shall issue a standard Illinois Identification Card to a person prior to his or her conditional release or absolute discharge if personnel from the Department of Human Services bring the person to a Secretary of State location with the required documents. Documents proving residence address may include any official document of the Department of Human Services showing the person's address after release and a Secretary of State prescribed verification form, which may be executed by personnel of the Department of Human Services.

(a-35) The Secretary of State shall issue a limited-term Illinois Identification Card valid for 90 days to a person upon conditional release or absolute discharge from the custody of the Department of Human Services, if the person is unable to present a certified copy of his or her birth certificate and social security card, if the person has a social security number, or other documents authorized by the Secretary, but does present a Secretary of State prescribed verification form completed by the Department of Human Services, verifying the person's date of birth and social security number, if the person has a social security number, and a document proving his or her Illinois residence address. The verification form must have been completed no more than 30 days prior to the date of application for the Illinois Identification Card. The Secretary of State shall issue a limited-term Illinois Identification Card to a person no sooner than 14 days prior to his or her conditional release or absolute discharge if personnel from the Department of Human Services bring the person to a Secretary of State location with the required documents. Documents proving residence address shall include any official document of the Department of Human Services showing the person's address after release and a Secretary of State prescribed verification form, which may be executed by personnel of the Department of Human Services.

(b) The Secretary of State shall issue a special Illinois Identification Card, which shall be known as an Illinois Person with a Disability Identification Card, to any natural person who is a resident of the State of Illinois, who is a person with a disability as defined in Section 4A of this Act, who applies for such card, or renewal thereof. No Illinois Person with a Disability Identification Card shall be issued to any person who holds a valid foreign state identification card, license, or permit unless the person first surrenders to the Secretary of State the valid foreign state identification card, license, or permit. The Secretary of State shall charge no fee to issue such card. The card shall be prepared and supplied by the Secretary of State, and shall include a photograph and signature or mark of the applicant, a designation indicating that the card is an Illinois Person with a Disability Identification Card, and shall include a comprehensible designation of the type and classification of the applicant's disability as set out in Section 4A of this Act. However, the Secretary of State may provide by rule for the issuance of Illinois Person with a Disability Identification Cards without photographs if the applicant has a bona fide religious objection to being photographed or to the display of his or her photograph. If the applicant so requests, the card shall include a description of the applicant's disability and any information about the applicant's disability or medical history which the Secretary determines would be helpful to the applicant in securing emergency medical care. If a mark is used in lieu of a signature, such mark shall be affixed to the card in the presence of two witnesses who attest to the authenticity of the mark. The Illinois Person with a Disability Identification Card may be used for identification purposes in any lawful situation by the person to whom it was issued.

The Illinois Person with a Disability Identification Card may be used as adequate documentation of disability in lieu of a physician's determination of disability, a determination of disability from a physician assistant, a determination of disability from an advanced practice registered nurse, or any other documentation of disability whenever any State law requires that a person with a disability provide such documentation of disability, however an Illinois Person with a Disability Identification Card shall not qualify the cardholder to participate in any program or to receive any benefit which is not available to all persons with like disabilities. Notwithstanding any other provisions of law, an Illinois Person with a Disability Identification Card, or evidence that the Secretary of State has issued an Illinois Person with a Disability Identification Card, shall not be used by any person other than the person named on such card to prove that the person named on such card is a person with a disability or for any other purpose unless the card is used for the benefit of the person named on such card, and the person named on such card consents to such use at the time the card is so used.

An optometrist's determination of a visual disability under Section 4A of this Act is acceptable as documentation for the purpose of issuing an Illinois Person with a Disability Identification Card.

When medical information is contained on an Illinois Person with a Disability Identification Card, the Office of the Secretary of State shall not be liable for any actions taken based upon that medical information.

(c) The Secretary of State shall provide that each original or renewal Illinois Identification Card or Illinois Person with a Disability Identification Card issued to a person under the age of 21 shall be of a distinct nature from those Illinois Identification Cards or Illinois Person with a Disability Identification Cards issued to individuals 21 years of age or older. The color designated for Illinois Identification Cards or Illinois Person with a Disability Identification Cards for persons under the age of 21 shall be at the discretion of the Secretary of State.

(c-1) Each original or renewal Illinois Identification Card or Illinois Person with a Disability Identification Card issued to a person under the age of 21 shall display the date upon which the person becomes 18 years of age and the date upon which the person becomes 21 years of age.

(c-3) The General Assembly recognizes the need to identify military veterans living in this State for the purpose of ensuring that they receive all of the services and benefits to which they are legally entitled, including healthcare, education assistance, and job placement. To assist the State in identifying these veterans and delivering these vital services and benefits, the Secretary of State is authorized to issue Illinois Identification Cards and Illinois Person with a Disability Identification Cards with the word "veteran" appearing on the face of the cards. This authorization is predicated on the unique status of veterans. The Secretary may not issue any other identification card which identifies an occupation, status, affiliation, hobby, or other unique characteristics of the identification card holder which is unrelated to the purpose of the identification card.

(c-5) Beginning on or before July 1, 2015, the Secretary of State shall designate a space on each original or renewal identification card where, at the request of the applicant, the word "veteran" shall be placed. The veteran designation shall be available to a person identified as a veteran under subsection (b) of Section 5 of this Act who was discharged or separated under honorable conditions.

(d) The Secretary of State may issue a Senior Citizen discount card, to any natural person who is a resident of the State of Illinois who is 60 years of age or older and who applies for such a card or renewal thereof. The Secretary of State shall charge no fee to issue such card. The card shall be issued in every county and applications shall be made available at, but not limited to, nutrition sites, senior citizen centers and Area Agencies on Aging. The applicant, upon receipt of such card and prior to its use for any purpose, shall have affixed thereon in the space provided therefor his signature or mark.

(e) The Secretary of State, in his or her discretion, may designate on each Illinois Identification Card or Illinois Person with a Disability Identification Card a space where the card holder may place a sticker or decal, issued by the Secretary of State, of uniform size as the Secretary may specify, that shall indicate in appropriate language that the card holder has renewed his or her Illinois Identification Card or Illinois Person with a Disability Identification Card.

(Source: P.A. 102-299, eff. 8-6-21; 103-210, eff. 7-1-24; 103-345, eff. 1-1-24; revised 12-12-23.)

(15 ILCS 335/12) (from Ch. 124, par. 32)

Sec. 12. Fees concerning standard Illinois Identification Cards. The fees required under this Act for standard Illinois Identification Cards must accompany any application provided for in this Act, and the Secretary shall collect such fees as follows:

a. Original card $20

b. Renewal card	20
c. Corrected card	10
d. Duplicate card	20
e. Certified copy with seal	5
f. (Blank)	
g. Applicant 65 years of age or over	No Fee
h. (Blank)	
i. Individual living in Veterans Home or Hospital	No Fee
j. Original card under 18 years of age	$5
k. Renewal card under 18 years of age	$5
l. Corrected card under 18 years of age	$5
m. Duplicate card under 18 years of age	$5
n. Homeless person	No Fee
o. Duplicate card issued to an active-duty member of the United States Armed Forces, the member's spouse, or dependent children living with the member	No Fee
p. Duplicate temporary card	$5
q. First card issued to a youth for whom the Department of Children and Family Services is legally responsible or a foster child upon turning the age of 16 years old until he or she reaches the age of 21 years old	No Fee
r. Original card issued to a committed person upon release ~~on parole, mandatory supervised release, aftercare release, final discharge, or pardon~~ from the Department of Corrections, the ~~or~~ Department of Juvenile Justice, a Federal Bureau of Prisons facility located in Illinois, or a county jail or a county department of corrections	No Fee
s. Limited-term Illinois Identification Card issued to a committed person upon release ~~on parole, mandatory supervised release, aftercare release, final discharge, or pardon from~~ the Department of Corrections, the ~~or~~ Department of Juvenile Justice, a Federal Bureau of Prisons facility located in Illinois, or a county jail or a county department of corrections	No Fee
t. Original card issued to a person up to 14 days prior to or upon conditional release or absolute discharge from the Department of Human Services	No Fee
u. Limited-term Illinois Identification Card issued to a person up to 14 days prior to or upon conditional release or absolute discharge	

from the Department of Human Services ..... No Fee

All fees collected under this Act shall be paid into the Road Fund of the State treasury, except that the following amounts shall be paid into the General Revenue Fund: (i) 80% of the fee for an original, renewal, or duplicate Illinois Identification Card issued on or after January 1, 2005; and (ii) 80% of the fee for a corrected Illinois Identification Card issued on or after January 1, 2005.

An individual, who resides in a veterans home or veterans hospital operated by the State or federal government, who makes an application for an Illinois Identification Card to be issued at no fee, must submit, along with the application, an affirmation by the applicant on a form provided by the Secretary of State, that such person resides in a veterans home or veterans hospital operated by the State or federal government.

The application of a homeless individual for an Illinois Identification Card to be issued at no fee must be accompanied by an affirmation by a qualified person, as defined in Section 4C of this Act, on a form provided by the Secretary of State, that the applicant is currently homeless as defined in Section 1A of this Act.

For the application for the first Illinois Identification Card of a youth for whom the Department of Children and Family Services is legally responsible or a foster child to be issued at no fee, the youth must submit, along with the application, an affirmation by his or her court appointed attorney or an employee of the Department of Children and Family Services on a form provided by the Secretary of State, that the person is a youth for whom the Department of Children and Family Services is legally responsible or a foster child.

The fee for any duplicate identification card shall be waived for any person who presents the Secretary of State's Office with a police report showing that his or her identification card was stolen.

The fee for any duplicate identification card shall be waived for any person age 60 or older whose identification card has been lost or stolen.

As used in this Section, "active-duty member of the United States Armed Forces" means a member of the Armed Services or Reserve Forces of the United States or a member of the Illinois National Guard who is called to active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor.

(Source: P.A. 100-201, eff. 8-18-17; 100-717, eff. 7-1-19; 100-827, eff. 8-13-18; 101-81, eff. 7-12-19; 101-232, eff. 1-1-20.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 99. Effective date. This Act takes effect upon becoming law.".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Aquino, **Senate Bill No. 2819** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator McClure, **Senate Bill No. 2824** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Education, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 2824

AMENDMENT NO. 1 . Amend Senate Bill 2824 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 10-20.12b as follows:

(105 ILCS 5/10-20.12b)

Sec. 10-20.12b. Residency; payment of tuition; hearing; criminal penalty.

(a) For purposes of this Section:

(1) The residence of a person who has legal custody of a pupil is deemed to be the residence of the pupil.

(2) "Legal custody" means one of the following:

(i) Custody exercised by a natural or adoptive parent with whom the pupil resides.

(ii) Custody granted by order of a court of competent jurisdiction to a person with whom the pupil resides for reasons other than to have access to the educational programs of the district.

(iii) Custody exercised under a statutory short-term guardianship, provided that within 60 days of the pupil's enrollment a court order is entered that establishes a permanent guardianship and grants custody to a person with whom the pupil resides for reasons other than to have access to the educational programs of the district.

(iv) Custody exercised by an adult caretaker relative who is receiving aid under the Illinois Public Aid Code for the pupil who resides with that adult caretaker relative for purposes other than to have access to the educational programs of the district.

(v) Custody exercised by an adult who demonstrates that, in fact, he or she has assumed and exercises legal responsibility for the pupil and provides the pupil with a regular fixed night-time abode for purposes other than to have access to the educational programs of the district.

(a-5) If a pupil's change of residence is due to the military service obligation of a person who has legal custody of the pupil, then, upon the written request of the person having legal custody of the pupil, the residence of the pupil is deemed for all purposes relating to enrollment (including tuition, fees, and costs), for the duration of the custodian's military service obligation, to be the same as the residence of the pupil immediately before the change of residence caused by the military service obligation. A school district is not responsible for providing transportation to or from school for a pupil whose residence is determined under this subsection (a-5). School districts shall facilitate re-enrollment when necessary to comply with this subsection (a-5).

(b) Except as otherwise provided under Section 10-22.5a, only resident pupils of a school district may attend the schools of the district without payment of the tuition required to be charged under Section 10-20.12a. However, (i) a child ~~children~~ for whom the Guardianship Administrator of the Department of Children and Family Services has been appointed temporary custodian or guardian of the person of the ~~a~~ child and who ~~shall not be charged tuition as a nonresident pupil if the child~~ was placed by the Department of Children and Family Services with a foster parent or placed in another type of child care facility or (ii) a child who has been placed in the temporary custody of the child's other custodial parent by the Department of Children and Family Services shall not be charged tuition as a nonresident pupil if ~~and~~ the foster parent, ~~or~~ child care facility, or other custodial parent is located in a school district other than the child's former school district and it is determined by the Department of Children and Family Services or the other custodial parent to be in the child's best interest to maintain attendance at the child's ~~his or her~~ former school district.

(c) The provisions of this subsection do not apply in school districts having a population of 500,000 or more. If a school board in a school district with a population of less than 500,000 determines that a pupil who is attending school in the district on a tuition free basis is a nonresident of the district for whom tuition is required to be charged under Section 10-20.12a, the board shall notify the person who enrolled the pupil of the amount of the tuition charged under Section 10-20.12a that is due to the district for a nonresident pupil's attendance in the district's schools. The notice shall detail the specific reasons why the board believes that the pupil is a nonresident of the district and shall be given by certified mail, return receipt requested. Within 10 calendar days after receipt of the notice, the person who enrolled the pupil may request a hearing to review the determination of the school board. The request shall be sent by certified mail, return receipt requested, to the district superintendent. Within 10 calendar days after receipt of the request, the board shall notify, by certified mail, return receipt requested, the person requesting the hearing of the time and place of the hearing, which shall be held not less than 10 nor more than 20 calendar days after the notice of hearing is given. At least 3 calendar days prior to the hearing, each party shall disclose to the other party all written evidence and testimony that it may submit during the hearing and a list of witnesses that it may call to testify during the hearing. The hearing notice shall notify the person requesting the hearing that any written evidence and testimony or witnesses not disclosed to the other party at least 3 calendar days prior to the hearing are barred at the hearing without the consent of the other party. The board or a hearing officer designated by the board shall conduct the hearing. The board and the person who enrolled the pupil may be

represented at the hearing by representatives of their choice. At the hearing, the person who enrolled the pupil shall have the burden of going forward with the evidence concerning the pupil's residency. If the hearing is conducted by a hearing officer, the hearing officer, within 5 calendar days after the conclusion of the hearing, shall send a written report of his or her findings by certified mail, return receipt requested, to the school board and to the person who enrolled the pupil. The person who enrolled the pupil may, within 5 calendar days after receiving the findings, file written objections to the findings with the school board by sending the objections by certified mail, return receipt requested, addressed to the district superintendent. Whether the hearing is conducted by the school board or a hearing officer, the school board shall, within 30 calendar days after the conclusion of the hearing, decide whether or not the pupil is a resident of the district and the amount of any tuition required to be charged under Section 10-20.12a as a result of the pupil's attendance in the schools of the district. The school board shall send a copy of its decision within 5 calendar days of its decision to the person who enrolled the pupil by certified mail, return receipt requested. This decision must inform the person who enrolled the pupil that he or she may, within 5 calendar days after receipt of the decision of the board, petition the regional superintendent of schools to review the decision. The decision must also include notification that, at the request of the person who enrolled the pupil, the pupil may continue attending the schools of the district pending the regional superintendent of schools' review of the board's decision but that tuition shall continue to be assessed under Section 10-20.12a of this Code during the review period and become due upon a final determination of the regional superintendent of schools that the student is a nonresident.

Within 5 calendar days after receipt of the decision of the board pursuant to this subsection (c) of this Section, the person who enrolled the pupil may petition the regional superintendent of schools who exercises supervision and control of the board to review the board's decision. The petition must include the basis for the request and be sent by certified mail, return receipt requested, to both the regional superintendent of schools and the district superintendent.

Within 5 calendar days after receipt of the petition, the board must deliver to the regional superintendent of schools the written decision of the board, any written evidence and testimony that was submitted by the parties during the hearing, a list of all witnesses that testified during the hearing, and any existing written minutes or transcript of the hearing or verbatim record of the hearing in the form of an audio or video recording documenting the hearing. The board may also provide the regional superintendent of schools and the petitioner with a written response to the petition. The regional superintendent of schools' review of the board's decision is limited to the documentation submitted to the regional superintendent of schools pursuant to this Section.

Within 10 calendar days after receipt of the documentation provided by the school district pursuant to this Section, the regional superintendent of schools shall issue a written decision as to whether or not there is clear and convincing evidence that the pupil is a resident of the district pursuant to this Section and eligible to attend the district's schools on a tuition-free basis. The decision shall be transmitted to the board and the person who enrolled the pupil and shall, with specificity, detail the rationale behind the decision.

(c-5) The provisions of this subsection apply only in school districts having a population of 500,000 or more. If the board of education of a school district with a population of 500,000 or more determines that a pupil who is attending school in the district on a tuition free basis is a nonresident of the district for whom tuition is required to be charged under Section 10-20.12a, the board shall notify the person who enrolled the pupil of the amount of the tuition charged under Section 10-20.12a that is due to the district for the nonresident pupil's attendance in the district's schools. The notice shall be given by certified mail, return receipt requested. Within 10 calendar days after receipt of the notice, the person who enrolled the pupil may request a hearing to review the determination of the school board. The request shall be sent by certified mail, return receipt requested, to the district superintendent. Within 30 calendar days after receipt of the request, the board shall notify, by certified mail, return receipt requested, the person requesting the hearing of the time and place of the hearing, which shall be held not less than 10 calendar nor more than 30 calendar days after the notice of hearing is given. The board or a hearing officer designated by the board shall conduct the hearing. The board and the person who enrolled the pupil may each be represented at the hearing by a representative of their choice. At the hearing, the person who enrolled the pupil shall have the burden of going forward with the evidence concerning the pupil's residency. If the hearing is conducted by a hearing officer, the hearing officer, within 20 calendar days after the conclusion of the hearing, shall serve a written report of his or her findings by personal service or by certified mail, return receipt requested, to the school board and to the person who enrolled the pupil. The person who enrolled the pupil may, within 10 calendar days after receiving the findings, file written objections to the findings with the board of education

by sending the objections by certified mail, return receipt requested, addressed to the general superintendent of schools. If the hearing is conducted by the board of education, the board shall, within 45 calendar days after the conclusion of the hearing, decide whether or not the pupil is a resident of the district and the amount of any tuition required to be charged under Section 10-20.12a as a result of the pupil's attendance in the schools of the district. If the hearing is conducted by a hearing officer, the board of education shall, within 45 days after the receipt of the hearing officer's findings, decide whether or not the pupil is a resident of the district and the amount of any tuition required to be charged under Section 10-20.12a as a result of the pupil's attendance in the schools of the district. The board of education shall send, by certified mail, return receipt requested, a copy of its decision to the person who enrolled the pupil, and the decision of the board shall be final.

(d) If a hearing is requested under subsection (c) of this Section to review the determination of the school board or board of education that a nonresident pupil is attending the schools of the district without payment of the tuition required to be charged under Section 10-20.12a, the pupil may, at the request of the person who enrolled the pupil, continue attendance at the schools of the district pending the decision of the board or regional superintendent of schools, as applicable, and the school district's payments under Section 18-8.05 of this Code shall not be adjusted due to tuition collection under this Section. However, attendance of that pupil in the schools of the district as authorized by this subsection (d) shall not relieve any person who enrolled the pupil of the obligation to pay the tuition charged for that attendance under Section 10-20.12a if the final decision of the board or regional superintendent of schools is that the pupil is a nonresident of the district. If a pupil is determined to be a nonresident of the district for whom tuition is required to be charged pursuant to this Section, the board shall refuse to permit the pupil to continue attending the schools of the district unless the required tuition is paid for the pupil.

(d-5) If a hearing is requested under subsection (c-5) of this Section to review the determination of the board of education that a nonresident pupil is attending the schools of the district without payment of the tuition required to be charged under Section 10-20.12a of this Code, the pupil may, at the request of the person who enrolled the pupil, continue attendance at the schools of the district pending a final decision of the board following the hearing. However, attendance of that pupil in the schools of the district as authorized by this subsection (d-5) shall not relieve any person who enrolled the pupil of the obligation to pay the tuition charged for that attendance under Section 10-20.12a of this Code if the final decision of the board is that the pupil is a nonresident of the district. If a pupil is determined to be a nonresident of the district for whom tuition is required to be charged pursuant to this Section, the board shall refuse to permit the pupil to continue attending the schools of the district unless the required tuition is paid for the pupil.

(e) Except for a pupil referred to in subsection (b) of Section 10-22.5a, a pupil referred to in Section 10-20.12a, or a pupil referred to in subsection (b) of this Section, a person who knowingly enrolls or attempts to enroll in the schools of a school district on a tuition free basis a pupil known by that person to be a nonresident of the district shall be guilty of a Class C misdemeanor.

(f) A person who knowingly or wilfully presents to any school district any false information regarding the residency of a pupil for the purpose of enabling that pupil to attend any school in that district without the payment of a nonresident tuition charge shall be guilty of a Class C misdemeanor.

(g) The provisions of this Section are subject to the provisions of the Education for Homeless Children Act. Nothing in this Section shall be construed to apply to or require the payment of tuition by a parent or guardian of a "homeless child" (as that term is defined in Section 1-5 of the Education for Homeless Children Act) in connection with or as a result of the homeless child's continued education or enrollment in a school that is chosen in accordance with any of the options provided in Section 1-10 of that Act.

(Source: P.A. 99-670, eff. 1-1-17.)".

Senator McClure offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2824

AMENDMENT NO. 2 . Amend Senate Bill 2824, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 10-20.12b as follows:

(105 ILCS 5/10-20.12b)

Sec. 10-20.12b. Residency; payment of tuition; hearing; criminal penalty.

(a) For purposes of this Section:

(1) The residence of a person who has legal custody of a pupil is deemed to be the residence of the pupil.

(2) "Legal custody" means one of the following:

(i) Custody exercised by a natural or adoptive parent with whom the pupil resides.

(ii) Custody granted by order of a court of competent jurisdiction to a person with whom the pupil resides for reasons other than to have access to the educational programs of the district.

(iii) Custody exercised under a statutory short-term guardianship, provided that within 60 days of the pupil's enrollment a court order is entered that establishes a permanent guardianship and grants custody to a person with whom the pupil resides for reasons other than to have access to the educational programs of the district.

(iv) Custody exercised by an adult caretaker relative who is receiving aid under the Illinois Public Aid Code for the pupil who resides with that adult caretaker relative for purposes other than to have access to the educational programs of the district.

(v) Custody exercised by an adult who demonstrates that, in fact, he or she has assumed and exercises legal responsibility for the pupil and provides the pupil with a regular fixed night-time abode for purposes other than to have access to the educational programs of the district.

(a-5) If a pupil's change of residence is due to the military service obligation of a person who has legal custody of the pupil, then, upon the written request of the person having legal custody of the pupil, the residence of the pupil is deemed for all purposes relating to enrollment (including tuition, fees, and costs), for the duration of the custodian's military service obligation, to be the same as the residence of the pupil immediately before the change of residence caused by the military service obligation. A school district is not responsible for providing transportation to or from school for a pupil whose residence is determined under this subsection (a-5). School districts shall facilitate re-enrollment when necessary to comply with this subsection (a-5).

(b) Except as otherwise provided under Section 10-22.5a, only resident pupils of a school district may attend the schools of the district without payment of the tuition required to be charged under Section 10-20.12a. However, (i) a child ~~children~~ for whom the Guardianship Administrator of the Department of Children and Family Services has been appointed temporary custodian or guardian of the person of the ~~a~~ child and who ~~shall not be charged tuition as a nonresident pupil if the child~~ was placed by the Department of Children and Family Services with a foster parent or placed in another type of child care facility or (ii) a child who has been removed from the child's parent or guardian by the Department of Children and Family Services as part of a safety plan shall not be charged tuition as a nonresident pupil if ~~and~~ the foster parent, ~~or~~ child care facility, relative caregiver, or non-custodial parent is located in a school district other than the child's former school district and it is determined by the Department of Children and Family Services to be in the child's best interest to maintain attendance at the child's ~~his or her~~ former school district.

(c) The provisions of this subsection do not apply in school districts having a population of 500,000 or more. If a school board in a school district with a population of less than 500,000 determines that a pupil who is attending school in the district on a tuition free basis is a nonresident of the district for whom tuition is required to be charged under Section 10-20.12a, the board shall notify the person who enrolled the pupil of the amount of the tuition charged under Section 10-20.12a that is due to the district for a nonresident pupil's attendance in the district's schools. The notice shall detail the specific reasons why the board believes that the pupil is a nonresident of the district and shall be given by certified mail, return receipt requested. Within 10 calendar days after receipt of the notice, the person who enrolled the pupil may request a hearing to review the determination of the school board. The request shall be sent by certified mail, return receipt requested, to the district superintendent. Within 10 calendar days after receipt of the request, the board shall notify, by certified mail, return receipt requested, the person requesting the hearing of the time and place of the hearing, which shall be held not less than 10 nor more than 20 calendar days after the notice of hearing is given. At least 3 calendar days prior to the hearing, each party shall disclose to the other party all written evidence and testimony that it may submit during the hearing and a list of witnesses that it may call to testify during the hearing. The hearing notice shall notify the person requesting the hearing that any written evidence and testimony or witnesses not disclosed to the other party at least 3 calendar days prior to the hearing are barred at the hearing without the consent of the other party. The board or a hearing officer designated by the board shall conduct the hearing. The board and the person who enrolled the pupil may be

represented at the hearing by representatives of their choice. At the hearing, the person who enrolled the pupil shall have the burden of going forward with the evidence concerning the pupil's residency. If the hearing is conducted by a hearing officer, the hearing officer, within 5 calendar days after the conclusion of the hearing, shall send a written report of his or her findings by certified mail, return receipt requested, to the school board and to the person who enrolled the pupil. The person who enrolled the pupil may, within 5 calendar days after receiving the findings, file written objections to the findings with the school board by sending the objections by certified mail, return receipt requested, addressed to the district superintendent. Whether the hearing is conducted by the school board or a hearing officer, the school board shall, within 30 calendar days after the conclusion of the hearing, decide whether or not the pupil is a resident of the district and the amount of any tuition required to be charged under Section 10-20.12a as a result of the pupil's attendance in the schools of the district. The school board shall send a copy of its decision within 5 calendar days of its decision to the person who enrolled the pupil by certified mail, return receipt requested. This decision must inform the person who enrolled the pupil that he or she may, within 5 calendar days after receipt of the decision of the board, petition the regional superintendent of schools to review the decision. The decision must also include notification that, at the request of the person who enrolled the pupil, the pupil may continue attending the schools of the district pending the regional superintendent of schools' review of the board's decision but that tuition shall continue to be assessed under Section 10-20.12a of this Code during the review period and become due upon a final determination of the regional superintendent of schools that the student is a nonresident.

Within 5 calendar days after receipt of the decision of the board pursuant to this subsection (c) of this Section, the person who enrolled the pupil may petition the regional superintendent of schools who exercises supervision and control of the board to review the board's decision. The petition must include the basis for the request and be sent by certified mail, return receipt requested, to both the regional superintendent of schools and the district superintendent.

Within 5 calendar days after receipt of the petition, the board must deliver to the regional superintendent of schools the written decision of the board, any written evidence and testimony that was submitted by the parties during the hearing, a list of all witnesses that testified during the hearing, and any existing written minutes or transcript of the hearing or verbatim record of the hearing in the form of an audio or video recording documenting the hearing. The board may also provide the regional superintendent of schools and the petitioner with a written response to the petition. The regional superintendent of schools' review of the board's decision is limited to the documentation submitted to the regional superintendent of schools pursuant to this Section.

Within 10 calendar days after receipt of the documentation provided by the school district pursuant to this Section, the regional superintendent of schools shall issue a written decision as to whether or not there is clear and convincing evidence that the pupil is a resident of the district pursuant to this Section and eligible to attend the district's schools on a tuition-free basis. The decision shall be transmitted to the board and the person who enrolled the pupil and shall, with specificity, detail the rationale behind the decision.

(c-5) The provisions of this subsection apply only in school districts having a population of 500,000 or more. If the board of education of a school district with a population of 500,000 or more determines that a pupil who is attending school in the district on a tuition free basis is a nonresident of the district for whom tuition is required to be charged under Section 10-20.12a, the board shall notify the person who enrolled the pupil of the amount of the tuition charged under Section 10-20.12a that is due to the district for the nonresident pupil's attendance in the district's schools. The notice shall be given by certified mail, return receipt requested. Within 10 calendar days after receipt of the notice, the person who enrolled the pupil may request a hearing to review the determination of the school board. The request shall be sent by certified mail, return receipt requested, to the district superintendent. Within 30 calendar days after receipt of the request, the board shall notify, by certified mail, return receipt requested, the person requesting the hearing of the time and place of the hearing, which shall be held not less than 10 calendar nor more than 30 calendar days after the notice of hearing is given. The board or a hearing officer designated by the board shall conduct the hearing. The board and the person who enrolled the pupil may each be represented at the hearing by a representative of their choice. At the hearing, the person who enrolled the pupil shall have the burden of going forward with the evidence concerning the pupil's residency. If the hearing is conducted by a hearing officer, the hearing officer, within 20 calendar days after the conclusion of the hearing, shall serve a written report of his or her findings by personal service or by certified mail, return receipt requested, to the school board and to the person who enrolled the pupil. The person who enrolled the pupil may, within 10 calendar days after receiving the findings, file written objections to the findings with the board of education

by sending the objections by certified mail, return receipt requested, addressed to the general superintendent of schools. If the hearing is conducted by the board of education, the board shall, within 45 calendar days after the conclusion of the hearing, decide whether or not the pupil is a resident of the district and the amount of any tuition required to be charged under Section 10-20.12a as a result of the pupil's attendance in the schools of the district. If the hearing is conducted by a hearing officer, the board of education shall, within 45 days after the receipt of the hearing officer's findings, decide whether or not the pupil is a resident of the district and the amount of any tuition required to be charged under Section 10-20.12a as a result of the pupil's attendance in the schools of the district. The board of education shall send, by certified mail, return receipt requested, a copy of its decision to the person who enrolled the pupil, and the decision of the board shall be final.

(d) If a hearing is requested under subsection (c) of this Section to review the determination of the school board or board of education that a nonresident pupil is attending the schools of the district without payment of the tuition required to be charged under Section 10-20.12a, the pupil may, at the request of the person who enrolled the pupil, continue attendance at the schools of the district pending the decision of the board or regional superintendent of schools, as applicable, and the school district's payments under Section 18-8.05 of this Code shall not be adjusted due to tuition collection under this Section. However, attendance of that pupil in the schools of the district as authorized by this subsection (d) shall not relieve any person who enrolled the pupil of the obligation to pay the tuition charged for that attendance under Section 10-20.12a if the final decision of the board or regional superintendent of schools is that the pupil is a nonresident of the district. If a pupil is determined to be a nonresident of the district for whom tuition is required to be charged pursuant to this Section, the board shall refuse to permit the pupil to continue attending the schools of the district unless the required tuition is paid for the pupil.

(d-5) If a hearing is requested under subsection (c-5) of this Section to review the determination of the board of education that a nonresident pupil is attending the schools of the district without payment of the tuition required to be charged under Section 10-20.12a of this Code, the pupil may, at the request of the person who enrolled the pupil, continue attendance at the schools of the district pending a final decision of the board following the hearing. However, attendance of that pupil in the schools of the district as authorized by this subsection (d-5) shall not relieve any person who enrolled the pupil of the obligation to pay the tuition charged for that attendance under Section 10-20.12a of this Code if the final decision of the board is that the pupil is a nonresident of the district. If a pupil is determined to be a nonresident of the district for whom tuition is required to be charged pursuant to this Section, the board shall refuse to permit the pupil to continue attending the schools of the district unless the required tuition is paid for the pupil.

(e) Except for a pupil referred to in subsection (b) of Section 10-22.5a, a pupil referred to in Section 10-20.12a, or a pupil referred to in subsection (b) of this Section, a person who knowingly enrolls or attempts to enroll in the schools of a school district on a tuition free basis a pupil known by that person to be a nonresident of the district shall be guilty of a Class C misdemeanor.

(f) A person who knowingly or wilfully presents to any school district any false information regarding the residency of a pupil for the purpose of enabling that pupil to attend any school in that district without the payment of a nonresident tuition charge shall be guilty of a Class C misdemeanor.

(g) The provisions of this Section are subject to the provisions of the Education for Homeless Children Act. Nothing in this Section shall be construed to apply to or require the payment of tuition by a parent or guardian of a "homeless child" (as that term is defined in Section 1-5 of the Education for Homeless Children Act) in connection with or as a result of the homeless child's continued education or enrollment in a school that is chosen in accordance with any of the options provided in Section 1-10 of that Act.

(Source: P.A. 99-670, eff. 1-1-17.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator McClure offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 2824

AMENDMENT NO. 3 . Amend Senate Bill 2824, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, on page 4, line 3, after "district", by inserting "or at a school district the child would have attended if the child was not removed from the child's parent or guardian by the

Department of Children and Family Services".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments Numbered 1, 2 and 3 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Murphy, **Senate Bill No. 2834** having been printed, was taken up, read by title a second time.

Senator Murphy offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2834

AMENDMENT NO. 1 . Amend Senate Bill 2834 by replacing everything after the enacting clause with the following:

"Section 5. The Mobile Home Landlord and Tenant Rights Act is amended by changing Sections 15, 16, and 17 as follows:

(765 ILCS 745/15) (from Ch. 80, par. 215)

Sec. 15. Statutory grounds for eviction.

(a) A park owner may terminate the lease and evict a tenant for any one or more of the following acts:

(1) ~~(a)~~ Non-payment of rent due;

(2) ~~(b)~~ Failure to comply with the park rules;

(3) ~~(c)~~ Failure to comply with local ordinances and State laws regulating mobile homes.

(b) Non-payment of rent to a park that has not applied for its license or its license renewal and failed to submit all fees due and payable under the Mobile Home Park Act shall not be grounds for eviction.

(Source: P.A. 81-637.)

(765 ILCS 745/16) (from Ch. 80, par. 216)

Sec. 16. Improper grounds for eviction. The following conduct by a tenant shall not constitute grounds for eviction or termination of the lease, nor shall an eviction order be entered against a tenant:

(a) As a reprisal for the tenant's effort to secure or enforce any rights under the lease or the laws of the State of Illinois, or its governmental subdivisions of the United States;

(b) As a reprisal for the tenant's good faith complaint to a governmental authority of the park owner's alleged violation of any health or safety law, regulation, code or ordinance, or State law or regulation which has as its objective the regulation of premises used for dwelling purposes;

(c) As a reprisal for the tenant's being an organizer or member of, or involved in any activities relative to a homeowners' association;

(d) As a reprisal for or on the basis of the tenant's immigration or citizenship status; ~~.~~

(e) As a reprisal for the non-payment of rent if the park has failed to apply for its license or renewal of its license and failed to submit all fees due and payable under the Mobile Home Park Act.

(Source: P.A. 101-439, eff. 8-21-19; 102-558, eff. 8-20-21.)

(765 ILCS 745/17) (from Ch. 80, par. 217)

Sec. 17. Notice required by Law. The following notice shall be printed verbatim in a clear and conspicuous manner in each lease or rental agreement of a mobile home or lot:

"IMPORTANT NOTICE REQUIRED BY LAW:

The rules set forth below govern the terms of your lease of occupancy arrangement with this mobile home park. The law requires all of these rules and regulations to be fair and reasonable, and if not, such rules and regulations cannot be enforced against you.

As required by law, the park must be licensed to operate a mobile home park either by either the State of Illinois Department of Public Health or applicable home rule jurisdiction. Pursuant to the Mobile Home Park Act, this license shall expire April 30 of each year, and a new license shall be issued upon proper application and payment of the annual license fee.

You may continue to reside in the park as long as you pay your rent and abide by the rules and regulations of the park. You may only be evicted for non-payment of rent, violation of laws, or for violation of the rules and regulations of the park and the terms of the lease.

If this park requires you to deal exclusively with a certain fuel dealer or other merchant for goods or service in connection with the use or occupancy of your mobile home or on your mobile home lot, the price

you pay for such goods or services may not be more than the prevailing price in this locality for similar goods and services.

You may not be evicted for reporting any violations of law or health and building codes to boards of health, building commissioners, the department of the Attorney General or any other appropriate government agency."

(Source: P.A. 81-637.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Martwick, **Senate Bill No. 2906** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martwick, **Senate Bill No. 2919** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Joyce, **Senate Bill No. 2931** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Koehler, **Senate Bill No. 2936** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Fine, **Senate Bill No. 2980** having been printed, was taken up, read by title a second time.

Senator Fine offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2980

AMENDMENT NO. 1 . Amend Senate Bill 2980 on page 5, immediately below line 2, by inserting the following:

"(c-5) When a child care institution, maternity center, or a group home licensed by the Department undergoes a change in (i) the age of children served or (ii) the area within the facility used by children, the Department shall post information regarding proposed changes on its website as required by rule."; and

on page 6, immediately below line 17, by inserting the following:

"(f) The Department shall adopt rules to implement the changes to this Section made by this amendatory Act of the 103rd General Assembly no later than January 1, 2025.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Feigenholtz, **Senate Bill No. 3232** having been printed, was taken up, read by title a second time.

Senator Feigenholtz offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3232

AMENDMENT NO. 1 . Amend Senate Bill 3232 on page 1, line 5 by replacing "Sections 20 and 50" with "Section 20"; and

by deleting line 22 on page 3 through line 12 on page 6.

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Halpin, **Senate Bill No. 3284** having been printed, was taken up, read by title a second time.

Senator Halpin offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3284

AMENDMENT NO. 1 . Amend Senate Bill 3284 by replacing page 53, line 23 through page 54, line 4 with the following:

"(i) A parenting plan or allocation judgment, once approved or entered by the court, shall be considered final for purposes of modification under Section 610.5 or appeal, unless the underlying action is dismissed. If the underlying action in which the parenting plan or allocation judgment is approved or entered by the court is subsequently dismissed, the parenting plan or allocation judgment shall be void and unenforceable.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Gillespie, **Senate Bill No. 3372** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Belt, **Senate Bill No. 3426** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Revenue, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 3426

AMENDMENT NO. 1 . Amend Senate Bill 3426 by deleting line 22 on page 72 through line 4 on page 78.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Cunningham, **Senate Bill No. 3429** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Local Government, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 3429

AMENDMENT NO. 1 . Amend Senate Bill 3429 on page 3, by replacing lines 17 through 19 with the following:

"unit of local government or another sanitary district within which the territory is located if (i) there are no outstanding bond payments or debts to be repaid or (ii) the acquiring sanitary district process of wastewater treatment exceeds the acquiree wastewater treatment process as defined by the United States Environmental Protection Agency's Primer for Municipal Wastewater Treatment Systems or a successor document.".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Villanueva, **Senate Bill No. 3434** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on State Government, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 3434

AMENDMENT NO. 1 . Amend Senate Bill 3434 on page 12, by replacing lines 11 and 12 with the following:

"(k) The Agency shall do all other things necessary, incidental, or appropriate for the implementation of this Act, including the adoption of rules in accordance with the Illinois Administrative Procedure Act.".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Martwick, **Senate Bill No. 3452** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martwick, **Senate Bill No. 3455** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peters, **Senate Bill No. 3463** having been printed, was taken up, read by title a second time.

Senator Peters offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3463

AMENDMENT NO. 1 . Amend Senate Bill 3463 on page 4, line 20, by inserting "sentenced, after being" after "is".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Feigenholtz, **Senate Bill No. 3481** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Castro, **Senate Bill No. 3496** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ellman, **Senate Bill No. 3506** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ellman, **Senate Bill No. 3548** having been printed, was taken up, read by title a second time.

Senator Ellman offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3548

AMENDMENT NO. 1 . Amend Senate Bill 3548 on page 18, line 11, by replacing "Pediatric care." with "Pediatric care; emergency medical services for children.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Peters, **Senate Bill No. 3648** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Energy and Public Utilities, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 3648

AMENDMENT NO. 1 . Amend Senate Bill 3648 by replacing everything after the enacting clause with the following:

"Section 5. The Community Emergency Services and Support Act is amended by changing Sections 30, 45, 50, and 65 as follows:

(50 ILCS 754/30)

Sec. 30. State prohibitions. 9-1-1 PSAPs, emergency services dispatched through 9-1-1 PSAPs, and the mobile mental and behavioral health service established by the Division of Mental Health must coordinate their services so that, based on the information provided to them, the following State prohibitions are avoided:

(a) Law enforcement responsibility for providing mental and behavioral health care. In any area where mobile mental health relief providers are available for dispatch, law enforcement shall not be dispatched to respond to an individual requiring mental or behavioral health care unless that individual is (i) involved in a suspected violation of the criminal laws of this State, or (ii) presents a threat of physical injury to self or others. Mobile mental health relief providers are not considered available for dispatch under this Section if 9-8-8 reports that it cannot dispatch appropriate service within the maximum response times established by each Regional Advisory Committee under Section 45.

(1) Standing on its own or in combination with each other, the fact that an individual is experiencing a mental or behavioral health emergency, or has a mental health, behavioral health, or other diagnosis, is not sufficient to justify an assessment that the individual is a threat of physical injury to self or others, or requires a law enforcement response to a request for emergency response or medical transportation.

(2) If, based on its assessment of the threat to public safety, law enforcement would not accompany medical transportation responding to a physical health emergency, unless requested by mobile mental health relief providers, law enforcement may not accompany emergency response or medical transportation personnel responding to a mental or behavioral health emergency that presents an equivalent level of threat to self or public safety.

(3) Without regard to an assessment of threat to self or threat to public safety, law enforcement may station personnel so that they can rapidly respond to requests for assistance from mobile mental health relief providers if law enforcement does not interfere with the provision of emergency response or transportation services. To the extent practical, not interfering with services includes remaining sufficiently distant from or out of sight of the individual receiving care so that law enforcement presence is unlikely to escalate the emergency.

(b) Mobile mental health relief provider involvement in involuntary commitment. In order to maintain the appropriate care relationship, mobile mental health relief providers shall not in any way assist in the involuntary commitment of an individual beyond (i) reporting to their dispatching entity or to law enforcement that they believe the situation requires assistance the mobile mental health relief providers are not permitted to provide under this Section; (ii) providing witness statements; and (iii) fulfilling reporting requirements the mobile mental health relief providers may have under their professional ethical obligations or laws of this State. This prohibition shall not interfere with any mobile mental health relief provider's ability to provide physical or mental health care.

(c) Use of law enforcement for transportation. In any area where mobile mental health relief providers are available for dispatch, unless requested by mobile mental health relief providers, law enforcement shall not be used to provide transportation to access mental or behavioral health care, or travel between mental or behavioral health care providers, except where no alternative is available.

(d) Reduction of educational institution obligations. The services coordinated under this Act may not be used to replace any service an educational institution is required to provide to a student. It shall not substitute for appropriate special education and related services that schools are required to provide by any law.

(e) This Section is ~~Subsections (a), (c), and (d) are~~ operative beginning on the date the 3 conditions in Section 65 are met or July 1, 2025 ~~2024~~, whichever is earlier. ~~Subsection (b) is operative beginning on July 1, 2024.~~

(Source: P.A. 102-580, eff. 1-1-22; 103-105, eff. 6-27-23.)

(50 ILCS 754/45)

Sec. 45. Regional Advisory Committees.

(a) The Division of Mental Health shall establish Regional Advisory Committees in each EMS Region to advise on regional issues related to emergency response systems for mental and behavioral health. The Secretary of Human Services shall appoint the members of the Regional Advisory Committees. Each Regional Advisory Committee shall consist of:

(1) representatives of the 9-1-1 PSAPs in the region;

(2) representatives of the EMS Medical Directors Committee, as constituted under the Emergency Medical Services (EMS) Systems Act, or other similar committee serving the medical needs of the jurisdiction;

(3) representatives of law enforcement officials with jurisdiction in the Emergency Medical Services (EMS) Regions;

(4) representatives of both the EMS providers and the unions representing EMS or emergency mental and behavioral health responders, or both; and

(5) advocates from the mental health, behavioral health, intellectual disability, and developmental disability communities.

If no person is willing or available to fill a member's seat for one of the required areas of representation on a Regional Advisory Committee under paragraphs (1) through (5), the Secretary of Human Services shall adopt procedures to ensure that a missing area of representation is filled once a person becomes willing and available to fill that seat.

(b) The majority of advocates on the Regional Advisory Committee must either be individuals with a lived experience of a condition commonly regarded as a mental health or behavioral health disability, developmental disability, or intellectual disability or be from organizations primarily composed of such individuals. The members of the Committee shall also reflect the racial demographics of the jurisdiction served. To achieve the requirements of this subsection, the Division of Mental Health must establish a clear plan and regular course of action to engage, recruit, and sustain areas of established participation. The plan and actions taken must be shared with the general public.

(c) Subject to the oversight of the Department of Human Services Division of Mental Health, the EMS Medical Directors Committee or a chair appointed in agreement of the Division of Mental Health and the EMS Medical Directors Committee is responsible for convening the meetings of the committee. Qualifications for appointment as chair under this subsection include a demonstrated understanding of the tasks of the Regional Advisory Committee as well as standing within the region as a leader capable of building consensus for the purpose of achieving the tasks assigned to the committee. Impacted units of local government may also have representatives on the committee subject to approval by the Division of Mental Health, if this participation is structured in such a way that it does not give undue weight to any of the groups represented.

(Source: P.A. 102-580, eff. 1-1-22; 103-105, eff. 6-27-23.)

(50 ILCS 754/50)

Sec. 50. Regional Advisory Committee responsibilities. Each Regional Advisory Committee and subregional committee established by the Regional Advisory Committee are ~~is~~ responsible for designing the local protocols ~~protocol~~ to allow its region's or subregion's 9-1-1 call centers ~~center~~ and emergency responders to coordinate their activities with 9-8-8 as required by this Act and monitoring current operation to advise on ongoing adjustments to the local protocols. A subregional committee, which may be convened by a majority vote of a Regional Advisory Committee, must include members that are representative of all required categories of the full Regional Advisory Committee and must provide guidance to the Regional Advisory Committees on adjustments that need to be made for local level operationalization of protocols ~~protocol~~. Included in this responsibility, each Regional Advisory Committee or subregional committee must:

(1) negotiate the appropriate amendment of each 9-1-1 PSAP emergency dispatch protocols, in consultation with each 9-1-1 PSAP in the EMS Region and consistent with national certification requirements;

(2) set maximum response times for 9-8-8 to provide service when an in-person response is required, based on type of mental or behavioral health emergency, which, if exceeded, constitute grounds for sending other emergency responders through the 9-1-1 system;

(3) report, geographically by police district if practical, the data collected through the direction provided by the Statewide Advisory Committee in aggregated, non-individualized monthly reports. These reports shall be available to the Regional Advisory Committee members, subregional committee members, the Department of Human Service Division of Mental Health, the Administrator of the 9-1-1 Authority, and to the public upon request;

(4) convene, after the initial regional policies are established, at least every 2 years to consider amendment of the regional policies, if any, and also convene whenever a member of the Committee requests that the Committee or subregional committee consider an amendment; and

(5) identify regional resources and supports for use by the mobile mental health relief providers as they respond to the requests for services.

(Source: P.A. 102-580, eff. 1-1-22; 103-105, eff. 6-27-23.)

(50 ILCS 754/65)

Sec. 65. PSAP and emergency service dispatched through a 9-1-1 PSAP; coordination of activities with mobile and behavioral health services. Each 9-1-1 PSAP and emergency service dispatched through a 9-1-1 PSAP must begin coordinating its activities with the mobile mental and behavioral health services established by the Division of Mental Health once all 3 of the following conditions are met, but not later than July 1, 2025 ~~2024~~:

(1) the Statewide Committee has negotiated useful protocol and 9-1-1 operator script adjustments with the contracted services providing these tools to 9-1-1 PSAPs operating in Illinois;

(2) the appropriate Regional Advisory Committee has completed design of the specific 9-1-1 PSAP's process for coordinating activities with the mobile mental and behavioral health service; and

(3) the mobile mental and behavioral health service is available in their jurisdiction.

(Source: P.A. 102-580, eff. 1-1-22; 102-1109, eff. 12-21-22; 103-105, eff. 6-27-23.)

Section 99. Effective date. This Act takes effect upon becoming law.".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Koehler, **Senate Bill No. 3686** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Energy and Public Utilities, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 3686

AMENDMENT NO. 1 . Amend Senate Bill 3686 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Portable and Medium-Format Battery Stewardship Act.

Section 5. Findings. The General Assembly finds that:

(1) It is in the public interest of the citizens of Illinois to encourage the recovery and reuse of materials, such as metals, that replace the output of mining and other extractive industries.

(2) Without a dedicated battery stewardship program, battery user confusion regarding proper management options for portable and medium-format batteries will continue to persist.

(3) Ensuring the proper handling, recycling, and end-of-life management of used portable and medium-format batteries prevents the release of toxic materials into the environment and removes materials from the waste stream that, if mishandled, may present safety concerns to workers, such as by igniting fires at solid waste handling facilities. For this reason, batteries should not be placed into commingled recycling containers or disposed of by traditional garbage collection containers.

(4) Jurisdictions around the world have successfully implemented battery stewardship laws that have helped address the challenges posed by the end-of-life management of portable and medium-format batteries. Since it is difficult for customers to differentiate between types and chemistries of batteries, it is the best practice for battery stewardship programs to collect all battery types and chemistries.

Section 10. Definitions. As used in this Act, unless the context clearly requires otherwise.

"Agency" means the Illinois Environmental Protection Agency.

"Battery-containing product" means a product sold, offered for sale, or distributed in or into this State that contains or is packaged with rechargeable or primary batteries that are covered batteries.

"Battery-containing product" does not include a covered electronic device subject to the requirements of the Consumer Electronics Recycling Act.

"Battery stewardship organization" means a producer that directly implements a battery stewardship plan required under this Act or a nonprofit organization designated by a producer or group of producers to implement a battery stewardship plan required under this Act.

"Collection rate" means a percentage, by weight, that a battery stewardship organization collects that is calculated by dividing the total weight of primary and rechargeable batteries collected by the battery stewardship organization during the previous calendar year by the average annual weight of primary and rechargeable batteries that were estimated by the battery stewardship organization to have been sold in the State during the previous 3 calendar years by all producers participating in an approved battery stewardship plan.

"Covered battery" means a portable battery or a medium-format battery.

"Covered battery" does not include:

(1) a battery contained within a medical device, as specified in 21 U.S.C. 321(h) as it existed as of the effective date of this Act, that is not designed and marketed for sale or resale principally to consumers for personal use;

(2) a battery that contains an electrolyte as a free liquid;

(3) a lead-acid battery weighing greater than 11 pounds;

(4) a battery subject to the provisions of Section 22.23 of the Environmental Protection Act; and

(5) a battery in a battery-containing product that is not intended or designed to be easily removable from the battery-containing product.

"Easily removable" means designed by the manufacturer to be removable by the user of the product with no more than commonly used household tools.

"Medium-format battery" means the following primary or rechargeable covered batteries:

(1) for rechargeable batteries, a battery weighing more than 11 pounds or having a rating of more than 300 watt-hours, or both, and no more than 25 pounds and having a rating of no more than 2,000 watt-hours;

(2) for primary batteries, a battery weighing at least 4.4 pounds but not more than 25 pounds.

"Portable battery" means the following primary or rechargeable covered batteries:

(1) for rechargeable batteries, a battery weighing no more than 11 pounds and having a rating of no more than 300 watt-hours;

(2) for primary batteries, a battery weighing no more than 4.4 pounds.

"Primary battery" means a battery that is not capable of being recharged.

"Producer" means the following:

(1) For covered batteries sold, offered for sale, or distributed in or into this State:

(A) If the battery is sold, offered for sale, or distributed in or into this State under the brand of the battery manufacturer, the producer is the person that manufactures the battery.

(B) If the battery is sold, offered for sale, or distributed in or into this State under a retail brand or under a brand owned by a person other than the manufacturer, the producer is the brand owner.

(C) If there is no person to whom subparagraph (A) or (B) of this paragraph (1) applies, the producer is the person that is the licensee of a brand or trademark under which the battery is sold, offered for sale, or distributed in or into this State, whether or not the trademark is registered in this State.

(D) If there is no person in the United States to whom subparagraph (A), (B), or (C) of this paragraph (1) applies, the producer is the person who is the importer of record for the battery into the United States.

(E) If there is no person with a commercial presence within the State to whom subparagraph (A), (B), (C), or (D) of this paragraph (1) applies, the producer is the person who first sells, offers for sale, or distributes the battery in or into this State.

(2) For covered battery-containing products containing one or more covered batteries sold, offered for sale, or distributed in or into this State:

(A) If the battery-containing product is sold, offered for sale, or distributed in or into this State under the brand of the product manufacturer, the producer is the person that manufactures the product.

(B) If the battery-containing product is sold, offered for sale, or distributed in or into this State under a retail brand or under a brand owned by a person other than the manufacturer, the producer is the brand owner.

(C) If there is no person to whom subparagraph (A) or (B) of this paragraph (2) applies, the producer is the person that is the licensee of a brand or trademark under which the product is sold, offered for sale, or distributed in or into this State, whether or not the trademark is registered in this State.

(D) If there is no person described in subparagraph (A), (B), or (C) of this paragraph (2) within the United States, the producer is the person who is the importer of record for the product into the United States.

(E) If there is no person described in subparagraph (A), (B), (C), or (D) of this paragraph (2) with a commercial presence within the State, the producer is the person who first sells, offers for sale, or distributes the product in or into this State.

(F) A producer does not include any person who only manufactures, sells, offers for sale, distributes, or imports into the State a battery-containing product if the only batteries contained in or supplied with the battery-containing product are supplied by a producer that has joined a registered battery stewardship organization as the producer for that covered battery under this Act. Such a producer of covered batteries that are included in a battery-containing product must provide written certification of that membership to both the producer of the battery-containing product containing one or more covered batteries and the battery stewardship organization of which the battery producer is a member.

(3) A person is the producer of a covered battery or battery-containing product containing one or more covered batteries sold, offered for sale, or distributed in or into this State, as defined in this Section, except if another party has contractually accepted responsibility as a responsible producer and has joined a registered battery stewardship organization as the producer for that covered battery or battery-containing product containing one or more covered batteries under this Act.

"Program" means a program implemented by a battery stewardship organization consistent with an approved battery stewardship plan.

"Rechargeable battery" means a battery that contains one or more voltaic or galvanic cells, electrically connected to produce electric energy, designed to be recharged.

"Recycling" means recycling, reclamation, or reuse as defined in Section 3.380 of the Environmental Protection Act. For purposes of this Act, "recycling" does not include:

(1) combustion;

(2) incineration;

(3) energy generation;

(4) fuel production; or

(5) beneficial reuse in the construction and operation of a solid waste landfill, including use of alternative daily cover.

"Recycling efficiency rate" means the ratio of the weight of components and materials recycled by a program operator from covered batteries to the weight of covered batteries as collected by the program operator.

"Retailer" means a person who sells covered batteries or battery-containing products containing one or more covered batteries in or into this State or offers or otherwise makes available covered batteries or battery-containing products containing one or more covered batteries to a customer, including other businesses, in this State.

Section 15. Requirement that producers implement a stewardship plan.

(a) Beginning January 1, 2026, a producer selling, making available for sale, or distributing covered batteries or battery-containing products containing one or more covered batteries in or into the State of Illinois shall participate in an approved Illinois State battery stewardship plan through participation in and funding of a battery stewardship organization.

(b) Beginning January 1, 2026, no person shall sell covered batteries or battery-containing products covered by this Act in or into the State who does not participate in a battery stewardship organization and battery stewardship plan.

Section 20. Role of retailers.

(a) Beginning July 1, 2026, a retailer may not sell, offer for sale, distribute, or otherwise make available for sale a covered battery or battery-containing product containing one or more covered batteries unless the producer of the covered battery or battery-containing product is identified as a participant in a battery stewardship organization whose plan has been approved by the Agency.

(b) A retailer is not in violation of the requirements of subsection (a) of this Section if the website made available by the Agency under Section 55 lists, as of the date a product is made available for retail sale, the producer or brand of covered battery or battery-containing product containing one or more covered batteries sold by the retailer as a participant in an approved plan or the implementer of an approved plan.

(c) Retailers of covered batteries or battery-containing products containing one or more covered batteries are not required to make retail locations available to serve as collection sites for a stewardship program operated by a battery stewardship organization. Retailers that serve as a collection site must comply with the requirements for collection sites, consistent with Section 40.

(d) A retailer may not sell, offer for sale, distribute, or otherwise make available for sale covered batteries, unless those batteries are marked consistently with the requirements of Section 65. A producer of a product containing a covered battery must certify to the retailers of its product that the battery contained in the battery-containing product is marked consistently with the requirements of Section 65.

(e) A retailer selling or offering covered batteries or battery-containing products containing one or more covered batteries for sale in the State may provide information, provided to the retailer by the battery stewardship organization, regarding available end-of-life management options for covered batteries collected by the battery stewardship organization. The information that a battery stewardship organization must make available to retailers for voluntary use by retailers must include, but is not limited to, in-store signage, written materials, and other promotional materials that retailers may use to inform customers of the available end-of-life management options for covered batteries collected by the battery stewardship organization.

(f) Retailers, producers, or battery stewardship organizations shall not charge a specific point-of-sale fee to consumers to cover the administrative or operational costs of the battery stewardship organization or the battery stewardship program.

Section 25. Stewardship plan components.

(a) By July 1, 2025, each battery stewardship organization must submit to the Agency for approval a plan for covered batteries. The Agency shall review and approve a plan based on whether it:

(1) lists and provides contact information for each producer, battery brand, and battery-containing product brand covered in the plan, including identifying producers who have contractually accepted responsibility as a producer in accordance with paragraph (3) of the definition of producer in this Act;

(2) proposes performance goals, consistent with Section 30, including establishing performance goals for each of the next 3 upcoming calendar years of program implementation;

(3) describes how the battery stewardship organization will make retailers aware of their obligation to sell only covered batteries and battery-containing products containing one or more covered batteries of producers participating in an approved plan;

(4) describes the education and communications strategy being implemented to promote participation in the approved covered battery stewardship program and provide the information necessary for effective participation of consumers, retailers, and others;

(5) describes how the battery stewardship organization will make available to collection sites, for voluntary use, signage, written materials, and other promotional materials that collection sites may use to inform consumers of the available end-of-life management options for covered batteries collected by the battery stewardship organization;

(6) lists promotional activities to be undertaken, and the identification of consumer awareness goals and strategies that the program will employ to achieve these goals after the program begins to be implemented;

(7) includes collection site safety training procedures related to covered battery collection activities at collection sites, including a description of operating protocols to reduce risks of spills or fires, response protocols in the event of a spill or fire, and protocols for safe management of damaged batteries that are returned to collection sites;

(8) describes the method to establish and administer a means for fully funding the program in a manner that equitably distributes the program's costs among the producers that are part of the battery

stewardship organization. For producers that choose meet the requirements of this Act individually, without joining a battery stewardship organization, the plan must describe the proposed method to establish and administer a means for fully funding the program;

(9) describes the financing methods used to implement the plan, consistent with Section 35;

(10) describes how the program will collect all covered battery chemistries and brands on a free, continuous, convenient, visible, and accessible basis, and consistent with the requirements of Section 40, including a description of how the statewide convenience standard will be met and a list of collection sites, including the address of collection sites;

(11) provides explanation for any delay anticipated by the battery stewardship organization for the implementation of the management of medium-format batteries such that implementation will begin later than January 1, 2026, including a delay in the ability to collect, package, transport, or process medium-format batteries in accordance with the requirements of this Act, and establishes an expected date of compliance for management of medium-format batteries that is not later than January 1, 2028 if a delay occurs;

(l2) describes the criteria to be used in the program to determine whether an entity may serve as a collection site for covered batteries under the program;

(13) establishes collection rate goals for each of the first 3 years of implementation of the battery stewardship plan that are based on the estimated total weight of primary and rechargeable covered batteries that have been sold in the State in the previous 3 calendar years by the producers participating in the battery stewardship plan;

(14) identifies proposed service providers, such as sorters, transporters, and processors, to be used by the program for the final disposition of batteries and proposed provisions for recordkeeping, tracking, and documenting the fate of collected covered batteries;

(15) details how the program will achieve a recycling efficiency rate, calculated in accordance with Section 50, of at least 60% for rechargeable batteries and at least 70% for primary batteries; and

(16) proposes goals for increasing public awareness of the program and describes how the public education and outreach components of the program under Section 45 will be implemented.

(b) A battery stewardship organization must submit a new plan to the Agency for approval no less than every 5 years. If the performance goals under Section 30 of this Act and as approved in the plan have not been met, the new plan shall include corrective measures to be implemented by the battery stewardship organization to meet the performance goals, which may include improvements to the collection site network or increased expenditures dedicated to education and outreach.

(c) A battery stewardship organization must provide plan amendments to the Agency for approval when proposing changes to the performance goals under Section 30 based on the up-to-date experience of the program or when there is a change to the method of financing plan implementation under Section 35. This does not include changes to the fees or fee structure established in the plan.

(d) The Agency shall review stewardship plans and stewardship plan amendments for compliance with this Act and shall approve, disapprove, or conditionally approve the plans or plan amendments in writing within 120 days of their receipt. If the Agency disapproves a stewardship plan or plan amendment submitted by a battery stewardship organization, the Agency shall explain how the stewardship plan or plan amendment does not comply with this Act. The battery stewardship organization shall resubmit to the Agency a revised stewardship plan or plan amendment or notice of plan withdrawal within 60 days of the date the written notice of disapproval is issued, and the Agency shall review the revised stewardship plan or plan amendment within 90 days of resubmittal. If a revised stewardship plan is disapproved by the Agency, a producer operating under the stewardship plan shall not be in compliance with this Act until the Agency approves a stewardship plan submitted by a battery stewardship organization that covers the producer's products.

(e) When a stewardship plan or an amendment to an approved plan is submitted under this Section, the Agency shall make the proposed plan or amendment available for public review and comment for at least 30 days.

(f) A battery stewardship organization must provide written notification to the Agency within 30 days of a producer beginning or ceasing to participate in a battery stewardship organization or of adding or removing a processor or transporter.

Section 30. Performance goals.

(a) Each battery stewardship plan must include performance goals that measure, on an annual basis, the achievements of the program, including:

(1) the collection rate for batteries in Illinois;

(2) the recycling efficiency rate of the program; and

(3) public awareness of the program.

(b) The performance goals established in each battery stewardship plan must include, but are not limited to:

(1) target collection rates for primary batteries and for rechargeable batteries;

(2) target recycling efficiency rates of at least 60% for rechargeable batteries and at least 70% for primary batteries; and

(3) goals for public awareness, convenience, and accessibility that meet or exceed the minimum requirements established in Section 40.

Section 35. Funding.

(a) A battery stewardship organization implementing a battery stewardship plan on behalf of producers must develop and administer a system to collect charges from participating producers to cover the costs of plan implementation, including:

(1) battery collection, transporting, and processing;

(2) education and outreach;

(3) program evaluation; and

(4) payment of the administrative fees to the Agency under Section 55.

(c) Each battery stewardship organization is responsible for all costs of participating covered battery collection, transportation, processing, education, administration, agency reimbursement, recycling, and end-of-life management in accordance with the requirements of this Act.

(d) Each battery stewardship organization must meet the collection goals established in the approved stewardship plan as specified in Section 25.

(e) A battery stewardship organization shall not reduce or cease collection, education and outreach, or other activities implemented under an approved plan based on achievement of program performance goals.

(f) A battery stewardship organization must reimburse local governments for demonstrable costs incurred as a result of a local government facility or solid waste handling facility serving as a collection site for a program including, but not limited to, associated labor costs and other costs associated with accessibility and collection site standards such as storage.

(g) A battery stewardship organization shall at a minimum provide collection sites with appropriate containers for covered batteries subject to its program, training, signage, safety guidance, and educational materials, at no cost to the collection sites.

Section 40. Collection and management requirements.

(a) Battery stewardship organizations implementing a battery stewardship plan must provide for the collection of all covered batteries, including all chemistries and brands of covered batteries, on a free, continuous, convenient, visible, and accessible basis to any person, business, governmental agency, or nonprofit organization. Except as provided in subsection (d) of this Section, each battery stewardship plan must arrange for the collection of each chemistry and brand of covered battery from any person, business, governmental agency, or nonprofit organization at each collection site that counts toward satisfaction of the collection site criteria in subsection (d) of this Section.

(b)(1) For each collection site used by the program, each battery stewardship organization must provide suitable collection containers for covered batteries that are segregated from other solid waste or make mutually agreeable alternative arrangements for the collection of batteries at the site. The location of collection containers at each collection site used by the program must be within view of a responsible person and must be accompanied by signage that is made available to the collection site by the battery stewardship organization and informs customers regarding the end-of-life management options for batteries provided by the collection site under this Act. Each collection site must meet applicable federal, State, and local regulatory requirements.

(2) Medium-format batteries may be collected only at household hazardous waste collection sites or other staffed collection sites that meet applicable federal, State, and local regulatory requirements to manage medium-format batteries.

(3)(A) Damaged and defective batteries are intended to be collected at collection sites staffed by persons trained to handle and ship those batteries.

(B) Each battery stewardship organization must provide for the collection, with qualified staff, of damaged and defective batteries at each permanent household hazardous waste facility and at each household hazardous waste collection event scheduled by the Agency as specified in paragraph (1).

(C) As used in this subsection, "damaged and defective batteries" means batteries that have been damaged or identified by the manufacturer as being defective for safety reasons and that have the potential of producing a dangerous evolution of heat, fire, or short circuit, as referred to in 49 CFR 173.185(f) as of January 1, 2023, or as updated by the Illinois Pollution Control Board by rule to maintain consistency with federal standards.

(c)(1) Each battery stewardship organization implementing a battery stewardship plan shall ensure statewide collection opportunities for all covered batteries. Battery stewardship organizations shall coordinate activities with other program operators, including covered battery collection and recycling programs and electronic waste recyclers, with regard to the proper management or recycling of collected covered batteries, for purposes of providing the efficient delivery of services and avoiding unnecessary duplication of effort and expense. Statewide collection opportunities must be determined by geographic information modeling that considers permanent collection sites. A program may rely, in part, on collection events to supplement the permanent collection services required in (2) and (3) of this subsection. However, only permanent collection services specified in (2) and (3) of this subsection qualify toward the satisfaction of the requirements of this subsection.

(2) For portable batteries, each battery stewardship organization must provide statewide collection opportunities that include:

(A) at least one permanent collection site for portable batteries within a 15-mile radius for at least 95% of State residents; and

(B) at least one permanent collection site, collection service, or collection event for portable batteries in addition to those required in subparagraph (i) for every 30,000 residents of a county.

(3) For medium-format batteries, a battery stewardship organization must provide statewide collection opportunities that include:

(A) at least 10 permanent collection sites in Illinois;

(B) reasonable geographic dispersion of collection sites throughout the State;

(C) a permanent collection site in each county of at least 200,000 persons, as determined by the most recent federal decennial census; and

(D) service to areas without a permanent collection site. A battery stewardship organization must ensure that there is a collection event at least once every 3 years in each county of the State which does not have a permanent collection site. Such collection events must provide for the collection of all medium-format batteries, including damaged and defective batteries.

(d) A battery stewardship organization shall ensure the minimum number of collection sites specified in subsection (c) of this Section are established by no later than December 31, 2026 for portable batteries and by no later than December 31, 2028 for medium-format batteries.

(e)(1) Battery stewardship programs must use existing public and private waste collection services and facilities, including battery collection sites that are established through other battery collection services, transporters, consolidators, processors, and retailers, if cost-effective, mutually agreeable, and otherwise practicable.

(2) Battery stewardship programs must use as a collection site for covered batteries any retailer, wholesaler, municipality, solid waste management facility, household hazardous waste facility, or other entity that meets the criteria for collection sites in the approved plan up to the minimum number of sites required for compliance with subsection (d) of this Section, upon the submission of a request by the entity to the battery stewardship organization to serve as a collection site. Battery stewardship programs may use additional collection sites in excess of the minimum required in subsection (d) of this Section as may be agreed between the battery stewardship organization and the collection site.

(3) Battery stewardship programs must use as a site for a collection event for covered batteries any retailer, wholesaler, municipality, solid waste management facility, household hazardous waste facility, or other entity that meets the criteria for collection events in the approved plan up to the minimum number of sites required for compliance with subsection (d) of this Section, upon the submission of a request by the entity to the battery stewardship organization to serve as a site for a collection event. Battery stewardship

programs may use additional sites for collection events in excess of the minimum required in subsection (d) of this Section as may be agreed between the battery stewardship organization and the collection site.

(4) A battery stewardship organization may issue a warning, suspend, or terminate a collection site or service that does not adhere to the collection site criteria in the approved plan or that poses an immediate health and safety concern.

(f)(1) Stewardship programs are not required to provide for the collection of battery-containing products.

(2) Stewardship programs are not required to provide for the collection of batteries that: (i) are not easily removable from the product other than by the manufacturer; and (ii) remain contained in a battery-containing product at the time of delivery to a collection site.

(3) Stewardship programs are required to provide for the collection of loose batteries.

(4) Stewardship programs are not required to provide for the collection of batteries still contained in covered electronic devices that are subject to the requirements of the Consumer Electronics Recycling Act.

Section 45. Education and outreach requirements.

(a) Each battery stewardship organization must carry out promotional activities in support of plan implementation including, but not limited to:

(1) the development and maintenance of a website;

(2) the development and distribution of periodic press releases and articles;

(3) the development and placement of advertisements for use on social media or other relevant media platforms;

(4) the development of promotional materials about the program and the restriction on the disposal of covered batteries in Section 70 to be used by persons, including, but not limited to, retailers, government agencies, waste and recycling collectors, and nonprofit organizations;

(5) the development and distribution of collection site safety training procedures that are in compliance with State law to collection sites to help ensure proper management of covered batteries at collection sites; and

(6) the development and implementation of outreach and educational resources that are conceptually, linguistically, and culturally accurate for the communities served and reach the State's diverse ethnic populations, including through meaningful consultation with communities that bear disproportionately higher levels of adverse environmental and social justice impacts.

(b) Each battery stewardship organization must provide:

(1) consumer-focused educational promotional materials to each collection site used by the program and accessible by customers of retailers that sell covered batteries or battery-containing products containing one or more covered batteries; and

(2) safety information related to covered battery collection activities to the operator of each collection site, including appropriate protocols to reduce risks of spills or fires, response protocols in the event of a spill or fire, and response protocols in the event of detection of a damaged or defective battery.

(c)(1) Each battery stewardship organization must provide educational materials to the operator of each collection site for the management of recalled batteries, which are not intended to be part of collection as provided under this Act, to help facilitate transportation and processing of recalled batteries.

(2) A battery stewardship organization may seek reimbursement from the producer of the recalled battery for expenses incurred in the collection, transportation, or processing of those batteries.

(d) Upon request by a retailer or other potential collector, the battery stewardship organization must provide the retailer or other potential collector educational materials describing collection opportunities for batteries.

(e) If multiple battery stewardship organizations are implementing plans approved by the Agency, the battery stewardship organizations must coordinate in carrying out their education and outreach responsibilities under this Section and must include in their annual reports to the Agency under Section 50 a summary of their coordinated education and outreach efforts.

(f) During the first year of program implementation and every 5 years thereafter, each battery stewardship organization must carry out a survey of public awareness regarding the requirements of the program established under this Act, including the provisions of Section 70. Each battery stewardship organization must share the results of the public awareness surveys with the Agency.

Section 50. Reporting requirements.

(a) By June 1, 2027, and each June 1st thereafter, each battery stewardship organization must submit an annual report to the Agency covering the preceding calendar year of battery stewardship plan implementation. The report must include the following:

(1) The report must include an independent financial assessment of a program implemented by the battery stewardship organization, including a breakdown of the program's expenses, such as collection expenses, recycling expenses, education expenses, and overhead expenses.

(2) The report must include a summary financial Statement documenting the financing of a battery stewardship organization's program and an analysis of program costs and expenditures, including an analysis of the program's expenses, such as collection, transportation, recycling, education, and administrative overhead. The summary financial Statement must be sufficiently detailed to provide transparency that funds collected from producers as a result of their activities in Illinois are spent on program implementation in Illinois. Battery stewardship organizations implementing similar battery stewardship programs in multiple states may submit a financial statement including all covered states, as long as the Statement breaks out financial information pertinent to Illinois.

(3) The report must include the weight, by chemistry, of covered batteries collected under the program.

(4) The report must include the weight of materials recycled from covered batteries collected under the program, in total, and by method of battery recycling.

(5) The report must include a calculation of the recycling efficiency rates, as measured consistent with subsection (b) of this Section.

(6) The report must include a list of all facilities used in the processing or disposition of batteries, including identification of the facilities' location and whether the facility is located domestically, in an organization for economic cooperation and development country, or in a country that meets organization for economic cooperation and development operating standards, and for domestic facilities provide a summary of any violations of environmental laws and regulations over the previous 3 years at each facility.

(7) The report must include for each facility used for the final disposition of batteries, a description of how the facility recycled or otherwise managed batteries and battery components.

(8) The report must include the weight and chemistry of batteries sent to each facility used for the final disposition of batteries. The information in this subdivision (a)(8) may be approximated for program operations in Illinois based on extrapolations of national or regional data for programs in operation in multiple states.

(9) The report must include the collection rate achieved under the program, including a description of how this collection rate was calculated and how it compares to the collection rate goals under Section 30.

(10) The report must include the estimated aggregate sales, by weight and chemistry, of batteries and batteries contained in or with battery-containing products sold in Illinois by participating producers for each of the previous 3 calendar years.

(11) The report must include a description of the manner in which the collected batteries were managed and recycled, including a discussion of best available technologies and the recycling efficiency rate.

(12) The report must include a description of education and outreach efforts supporting plan implementation including, but not limited to, a summary of education and outreach provided to consumers, collection sites, manufacturers, distributors, and retailers by the program operator for the purpose of promoting the collection and recycling of covered batteries, a description of how that education and outreach met the requirements of Section 45, samples of education and outreach materials, a summary of coordinated education and outreach efforts with any other battery stewardship organizations implementing a plan approved by the Agency, and a summary of any changes made during the previous calendar year to education and outreach activities.

(13) The report must include a list of all collection sites and an address for each listed site, and an up-to-date map indicating the location of all collection sites used to implement the program, with links to appropriate websites where there are existing websites associated with a site.

(14) The report must include a description of methods used to collect, transport, and recycle covered batteries by the battery stewardship organization.

(15) The report must include a summary of progress made toward the program performance goals established under Section 30, and an explanation of why performance goals were not met, if applicable.

(16) The report must include an evaluation of the effectiveness of education and outreach activities.

(b) The weight of batteries or recovered resources from those batteries must only be counted once and may not be counted by more than one battery stewardship organization.

(c) If a battery stewardship organization has disposed of covered batteries though energy recovery, incineration, or landfilling during the preceding calendar year of program implementation, the annual report must specify the steps that the battery stewardship organization will take to make the recycling of covered batteries cost-effective, where possible, or to otherwise increase battery recycling rates achieved by the battery stewardship organization.

(d) Proprietary information submitted to the Agency under this Act is exempted from disclosure as provided under paragraphs (g) and (mm) of subsection (1) of Section 7 of the Freedom of Information Act.

Section 55. Fee and Agency role.

(a) By July 1, 2025, and by July 1 of each year thereafter, each battery stewardship organization shall pay to the Agency an annual fee of $100,000. The fee shall cover the Agency's full costs of implementing, administering, and enforcing this Act. The annual fee shall be deposited into the Solid Waste Management Fund to be used for costs associated with the administration of this Act.

(b) The responsibilities of the Agency in implementing, administering, and enforcing this Act include:

(1) reviewing submitted stewardship plans and plan amendments and making determinations as to whether to approve the plan or plan amendment;

(2) reviewing annual reports submitted under Section 50 within 90 days after submission to ensure compliance with that Section;

(3) maintaining a website that lists producers and their brands that are participating in an approved plan, and that makes available to the public each plan, plan amendment, and annual report received by the Agency under this Act; and

(4) providing technical assistance to producers and retailers related to the requirements of this Act.

Section 60. Penalties and civil actions.

(a) Any person who violates any provision of this Act is liable for a civil penalty of $7,000 per violation, except that the failure to pay a fee under this Act shall cause the person who fails to pay the fee to be liable for a civil penalty that is double the applicable fee.

(b) The penalties provided for in this Section may be recovered in a civil action brought in the name of the People of the State of Illinois by the State's Attorney of the county in which the violation occurred or by the Attorney General. Any penalties collected under this Section in an action in which the Attorney General has prevailed shall be deposited into the Environmental Protection Trust Fund, to be used in accordance with the provision of the Environmental Protection Trust Fund Act.

(c) The Attorney General or the State's Attorney of a county in which a violation occurs may institute a civil action for an injunction, prohibitory or mandatory, to restrain violations of this Act or to require such actions as may be necessary to address violations of this Act.

(d) The penalties and injunctions provided in this Act are in addition to any penalties, injunctions, or other relief provided under any other State law. Nothing in this Act bars a cause of action by the State for any other penalty, injunction, or other relief provided by any other law.

(e) Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Agency, related to or required by this Act or any rule adopted under this Act commits a Class 4 felony, and each such statement or writing shall be considered a separate Class 4 felony. A person who, after being convicted under this subsection, violates this subsection a second or subsequent time commits a Class 3 felony.

(f) No penalty may be assessed under this Act on an individual or resident for the improper disposal of covered batteries as described in Section 70 in a noncommercial or residential setting.

Section 65. Marking requirements for batteries.

(a) Except as otherwise provided in rules adopted by Illinois Pollution Control Board under subsection (b), a producer or retailer may sell, offer for sale, or distribute in or into Illinois a covered battery or battery-containing product containing one or more covered batteries only if the battery is:

(1) beginning January 1, 2027, marked with an identification of the producer of the battery, unless the battery is less than one-half inch in diameter or does not contain a surface whose length exceeds one-half inch; and

(2) beginning January 1, 2029, marked with proper labeling to ensure proper collection and recycling, by identifying the chemistry of the battery and including an indication that the battery should not be disposed of as household waste.

(b) The Illinois Pollution Control Board may adopt rules establishing marking requirements for batteries as needed to maintain consistency with the labeling requirements or voluntary standards for batteries established in federal law.

Section 70. General battery disposal and collection requirements.

(a) On and after January 1, 2028 all persons must manage unwanted covered batteries through one of the following options:

(1) delivery to a collection site, event, or program established by or included in the programs created by this Act; or

(2) for covered batteries that are hazardous waste as defined under federal or State hazardous or solid waste laws, management in a manner consistent with the requirements of those laws.

(b) On and after January 1, 2028:

(1) A fee may not be charged at the time covered batteries are delivered or collected for management.

(2) All covered batteries may be collected, transported, and processed only in accordance with this Act, unless the batteries are regulated as hazardous waste as described in subdivision (A)(1) of this Section.

(3) No person may knowingly cause or allow the mixing of a covered battery with recyclable materials that are intended for processing and sorting at a material recovery facility.

(4) No person may knowingly cause or allow the mixing of a covered battery with municipal waste that is intended for disposal at a sanitary landfill.

(5) No person may knowingly cause or allow the disposal of a covered battery in a sanitary landfill.

(6) No person may knowingly cause or allow the mixing of a covered battery with waste that is intended for burning or incineration.

(7) No person may knowingly cause or allow the burning or incineration of a covered battery.

(8) An owner or operator of a solid waste facility may not be found in violation of this Section if the facility has posted in a conspicuous location a sign stating that covered batteries must be managed through collection sites established by a battery stewardship organization and are not accepted for disposal.

(9) A solid waste collector may not be found in violation of this Section for a covered battery placed in a disposal container by a third party.

Section 75. Assessment of battery-containing products and their batteries.

(a) By July 1, 2027, the battery stewardship organization must complete an assessment of the opportunities and challenges associated with the end-of-life management of portable and medium-format batteries that are not intended or designed to be easily removed by a customer and that are contained either in battery-containing products, including medical devices, or in electronic products that are not covered electronic devices subject to the requirements of the Consumer Electronics Recycling Act.

(b) The battery stewardship organization must consult with the Agency and interested stakeholders in completing the assessment. The assessment must identify any adjustments to the stewardship program requirements established in this Act that would maximize public health, safety, and environmental benefits.

(c) The assessment must consider:

(1) the different categories and uses of battery-containing products;

(2) the current methods by which unwanted battery-containing products are managed in Illinois and nearby states and provinces;

(3) challenges posed by the potential collection, management, and transport of battery-containing products, including challenges associated with removing batteries that were not intended or designed to be easily removable from products, other than by the manufacturer; and

(4) which criteria of this Act may apply to battery-containing products in a manner that is identical or analogous to the requirements applicable to covered batteries.

(d) By October 1, 2027, the Agency must submit the assessment required in this Section to the General Assembly.

Section 80. Antitrust. Producers or battery stewardship organizations acting on behalf of producers that prepare, submit, and implement a battery stewardship program plan under this Act and who are thereby subject to regulation by the Agency are granted immunity from State laws relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade and commerce, for the limited purpose of planning, reporting, and operating a battery stewardship program, including:

(1) the creation, implementation, or management of a battery stewardship organization and any battery stewardship plan regardless of whether it is submitted, denied, or approved;

(2) the determination of the cost and structure of a battery stewardship plan; and

(3) the types or quantities of batteries being recycled or otherwise managed under this Act.

Section 85. Collection of batteries independent of a battery stewardship program. Nothing in this Act shall prevent or prohibit a person from offering or performing a fee-based, household collection, or a mail back program for end-of-life portable batteries or medium-format batteries independently of a battery stewardship program, provided that such person meets the following requirements:

(1) such person's services must be performed, and such person's facilities must be operated in compliance with all applicable federal, State, and local laws and requirements, including, but not limited to, all applicable U.S. Department of Transportation regulations, and all applicable provisions of the Environmental Protection Act;

(2) such person must make available all batteries collected by such person from its Illinois customers to the battery stewardship organization; and

(3) after consolidation of portable or medium-format batteries at the person's facilities, the transport to and processing of such batteries by the battery stewardship organization's designated sorters or processors shall be at the battery stewardship organization's expense.

(415 ILCS 5/22.23d rep.)

Section 90. The Environmental Protection Act is amended by repealing Section 22.23d.

Section 97. Severability. If any provision of this Act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Section 99. Effective date. This Act takes effect upon becoming law, except that Section 90 takes effect on January 1, 2028.".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Peters, **Senate Bill No. 3713** having been printed, was taken up, read by title a second time.

Senator Peters offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3713

AMENDMENT NO. 1 . Amend Senate Bill 3713 by replacing everything after the enacting clause with the following:

"Section 5. The Juvenile Court Act of 1987 is amended by changing Section 5-905 as follows:

(705 ILCS 405/5-905)

Sec. 5-905. Law enforcement records.

(1) Law Enforcement Records. Inspection and copying of law enforcement records maintained by law enforcement agencies that relate to a minor who has been investigated, arrested, or taken into custody before the minor's 18th birthday shall be restricted to the following and when necessary for the discharge of their official duties:

(a) A judge of the circuit court and members of the staff of the court designated by the judge;

(b) Law enforcement officers, probation officers or prosecutors or their staff, or, when necessary for the discharge of its official duties in connection with a particular investigation of the conduct of a law enforcement officer, an independent agency or its staff created by ordinance and charged by a unit of local government with the duty of investigating the conduct of law enforcement officers;

(c) The minor, the minor's parents or legal guardian and their attorneys, but only when the juvenile has been charged with an offense;

(d) Adult and Juvenile Prisoner Review Boards;

(e) Authorized military personnel;

(f) Persons engaged in bona fide research, with the permission of the judge of juvenile court and the chief executive of the agency that prepared the particular recording: provided that publication of such research results in no disclosure of a minor's identity and protects the confidentiality of the record;

(g) Individuals responsible for supervising or providing temporary or permanent care and custody of minors pursuant to orders of the juvenile court or directives from officials of the Department of Children and Family Services or the Department of Human Services who certify in writing that the information will not be disclosed to any other party except as provided under law or order of court;

(h) The appropriate school official only if the agency or officer believes that there is an imminent threat of physical harm to students, school personnel, or others who are present in the school or on school grounds.

(A) Inspection and copying shall be limited to law enforcement records transmitted to the appropriate school official or officials whom the school has determined to have a legitimate educational or safety interest by a local law enforcement agency under a reciprocal reporting system established and maintained between the school district and the local law enforcement agency under Section 10-20.14 of the School Code concerning a minor enrolled in a school within the school district who has been arrested or taken into custody for any of the following offenses:

(i) any violation of Article 24 of the Criminal Code of 1961 or the Criminal Code of 2012;

(ii) a violation of the Illinois Controlled Substances Act;

(iii) a violation of the Cannabis Control Act;

(iv) a forcible felony as defined in Section 2-8 of the Criminal Code of 1961 or the Criminal Code of 2012;

(v) a violation of the Methamphetamine Control and Community Protection Act;

(vi) a violation of Section 1-2 of the Harassing and Obscene Communications Act;

(vii) a violation of the Hazing Act; or

(viii) a violation of Section 12-1, 12-2, 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5, 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the Criminal Code of 1961 or the Criminal Code of 2012.

The information derived from the law enforcement records shall be kept separate from and shall not become a part of the official school record of that child and shall not be a public record. The information shall be used solely by the appropriate school official or officials whom the school has determined to have a legitimate educational or safety interest to aid in the proper rehabilitation of the child and to protect the safety of students and employees in the school. If the designated law enforcement and school officials deem it to be in the best interest of the minor, the student may be referred to in-school or community based social services if those services are available. "Rehabilitation services" may include interventions by school support personnel, evaluation for eligibility for special education, referrals to community-based agencies such as youth services, behavioral healthcare service providers, drug and alcohol

prevention or treatment programs, and other interventions as deemed appropriate for the student.

(B) Any information provided to appropriate school officials whom the school has determined to have a legitimate educational or safety interest by local law enforcement officials about a minor who is the subject of a current police investigation that is directly related to school safety shall consist of oral information only, and not written law enforcement records, and shall be used solely by the appropriate school official or officials to protect the safety of students and employees in the school and aid in the proper rehabilitation of the child. The information derived orally from the local law enforcement officials shall be kept separate from and shall not become a part of the official school record of the child and shall not be a public record. This limitation on the use of information about a minor who is the subject of a current police investigation shall in no way limit the use of this information by prosecutors in pursuing criminal charges arising out of the information disclosed during a police investigation of the minor. For purposes of this paragraph, "investigation" means an official systematic inquiry by a law enforcement agency into actual or suspected criminal activity;

(i) The president of a park district. Inspection and copying shall be limited to law enforcement records transmitted to the president of the park district by the Illinois State Police under Section 8-23 of the Park District Code or Section 16a-5 of the Chicago Park District Act concerning a person who is seeking employment with that park district and who has been adjudicated a juvenile delinquent for any of the offenses listed in subsection (c) of Section 8-23 of the Park District Code or subsection (c) of Section 16a-5 of the Chicago Park District Act.

(2) Information identifying victims and alleged victims of sex offenses, shall not be disclosed or open to public inspection under any circumstances. Nothing in this Section shall prohibit the victim or alleged victim of any sex offense from voluntarily disclosing this identity.

(2.5) If the minor is a victim of aggravated battery, battery, attempted first degree murder, or other non-sexual violent offense, the identity of the victim may be disclosed to appropriate school officials, for the purpose of preventing foreseeable future violence involving minors, by a local law enforcement agency pursuant to an agreement established between the school district and a local law enforcement agency subject to the approval by the presiding judge of the juvenile court.

(3) Relevant information, reports and records shall be made available to the Department of Juvenile Justice when a juvenile offender has been placed in the custody of the Department of Juvenile Justice.

(4) Nothing in this Section shall prohibit the inspection or disclosure to victims and witnesses of photographs contained in the records of law enforcement agencies when the inspection or disclosure is conducted in the presence of a law enforcement officer for purposes of identification or apprehension of any person in the course of any criminal investigation or prosecution.

(5) The records of law enforcement officers, or of an independent agency created by ordinance and charged by a unit of local government with the duty of investigating the conduct of law enforcement officers, concerning all minors under 18 years of age must be maintained separate from the records of adults and may not be open to public inspection or their contents disclosed to the public except by order of the court or when the institution of criminal proceedings has been permitted under Section 5-130 or 5-805 or required under Section 5-130 or 5-805 or such a person has been convicted of a crime and is the subject of pre-sentence investigation or when provided by law.

(6) Except as otherwise provided in this subsection (6), law enforcement officers, and personnel of an independent agency created by ordinance and charged by a unit of local government with the duty of investigating the conduct of law enforcement officers, may not disclose the identity of any minor in releasing information to the general public as to the arrest, investigation or disposition of any case involving a minor. Any victim or parent or legal guardian of a victim may petition the court to disclose the name and address of the minor and the minor's parents or legal guardian, or both. Upon a finding by clear and convincing evidence that the disclosure is either necessary for the victim to pursue a civil remedy against the minor or the minor's parents or legal guardian, or both, or to protect the victim's person or property from the minor, then the court may order the disclosure of the information to the victim or to the parent or legal guardian of the victim only for the purpose of the victim pursuing a civil remedy against the minor or the minor's parents or legal guardian, or both, or to protect the victim's person or property from the minor.

(7) Nothing contained in this Section shall prohibit law enforcement agencies when acting in their official capacity from communicating with each other by letter, memorandum, teletype or intelligence alert bulletin or other means the identity or other relevant information pertaining to a person under 18 years of

age. The information provided under this subsection (7) shall remain confidential and shall not be publicly disclosed, except as otherwise allowed by law.

(8) No person shall disclose information under this Section except when acting in the person's official capacity and as provided by law or order of court.

(9) The changes made to this Section by Public Act 98-61 apply to law enforcement records of a minor who has been arrested or taken into custody on or after January 1, 2014 (the effective date of Public Act 98-61).

(10) Nothing contained in this Section shall prohibit law enforcement agencies from disclosing law enforcement reports and records to the Attorney General for the purposes of complying with the Crime Victims Compensation Act.

(Source: P.A. 103-22, eff. 8-8-23.)

Section 10. The Crime Victims Compensation Act is amended by changing Sections 2, 2.5, 4.1, 4.2, 5.1, 6.1, 7.1, 8.1, 10.1, and 18.5 as follows:

(740 ILCS 45/2)

Sec. 2. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Applicant" means any of the following claiming compensation under this Act: ~~a victim, a person who was a dependent of a deceased victim of a crime of violence for the person's support at the time of the death of that victim, a person who legally assumes the obligation or who voluntarily pays the medical or the funeral or burial expenses incurred as a direct result of the crime, and any other person the Court of Claims or the Attorney General finds is entitled to compensation, including the guardian of a minor or of a person under legal disability.~~

(1) A victim.

(2) If the victim was a guardian or primary caregiver to an adult who is physically or mentally incapacitated, that adult who is physically or mentally incapacitated.

(3) A guardian of a minor or of a person under legal disability.

(4) A person who, at the time the crime occurred, resided in the same dwelling as the victim, solely for the purpose of compensating for any of the following:

(A) Pecuniary loss incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime.

(B) Loss of earnings under paragraph (14.5) of subsection (h) for time off from work necessary to provide full time care for the injured victim.

(C) Relocation expenses.

(5) A person who assumes a legal obligation or voluntarily pays for a victim's medical or funeral or burial expenses.

(6) Any other person the Court of Claims or the Attorney General finds is entitled to compensation.

The changes made to this subsection by Public Act 101-652 apply to actions commenced or pending on or after January 1, 2022.

(b) "Court of Claims" means the Court of Claims created by the Court of Claims Act.

(c) "Crime of violence" means and includes any offense defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1, 10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-11, ~~11-19.2,~~ 11-20.1, ~~11-20.1B, 11-20.3,~~ 11-23, 11-23.5, 12-1, 12-2, 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.3, 12-3.4, ~~12-4, 12-4.1, 12-4.2, 12-4.3,~~ 12-5, 12-7.1, 12-7.3, 12-7.4, ~~12-13, 12-14, 12-14.1, 12-15, 12-16,~~ 12-20.5, ~~12-30,~~ 20-1 or 20-1.1, or Section 12-3.05 except for subdivision (a)(4) or (g)(1), or subdivision (a)(4) of Section 11-14.4, of the Criminal Code of 1961 or the Criminal Code of 2012, Sections 1(a) and 1(a-5) of the Cemetery Protection Act, Section 125 of the Stalking No Contact Order Act, Section 219 of the Civil No Contact Order Act, driving under the influence as defined in Section 11-501 of the Illinois Vehicle Code, a violation of Section 11-401 of the Illinois Vehicle Code, provided the victim was a pedestrian or was operating a vehicle moved solely by human power or a mobility device at the time of contact, and a violation of Section 11-204.1 of the Illinois Vehicle Code; so long as the offense did not occur during a civil riot, insurrection or rebellion. "Crime of violence" does not include any other offense or crash involving a motor vehicle except those vehicle offenses specifically provided for in this paragraph. "Crime of violence" does include all of the offenses specifically provided for in this paragraph that occur within this State but are subject to federal jurisdiction and crimes involving terrorism as defined in 18 U.S.C. 2331.

(d) "Victim" means (1) a person killed or injured in this State as a result of a crime of violence perpetrated or attempted against him or her, (2) the spouse, parent, or child of a person killed or injured in this State as a result of a crime of violence perpetrated or attempted against the person, or anyone living in the dwelling ~~household~~ of a person killed or injured in a relationship that is substantially similar to that of a parent, spouse, or child, (3) a person killed or injured in this State while attempting to assist a person against whom a crime of violence is being perpetrated or attempted, if that attempt of assistance would be expected of a reasonable person under the circumstances, (4) a person killed or injured in this State while assisting a law enforcement official apprehend a person who has perpetrated a crime of violence or prevent the perpetration of any such crime if that assistance was in response to the express request of the law enforcement official, (5) a person who personally witnessed a violent crime, (5.05) a person who will be called as a witness by the prosecution to establish a necessary nexus between the offender and the violent crime, (5.1) ~~solely for the purpose of compensating for pecuniary loss incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime,~~ any ~~other~~ person ~~under the age of 18~~ who is the grandparent, grandchild, brother, sister, half brother, or half sister of a person killed or injured in this State as a result of a crime of violence, applying solely for the purpose of compensating for pecuniary loss incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime, loss of earnings under paragraph (14.5) of subsection (h) for time off from work necessary to provide full time care for the injured victim, or relocation if the crime occurred within the dwelling of the applicant, (5.2) any person who was in a dating relationship with a person killed in this State as a result of a crime of violence, solely for the purpose of compensating for pecuniary loss incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime, (6) an Illinois resident who is a victim of a "crime of violence" as defined in this Act except, if the crime occurred outside this State, the resident has the same rights under this Act as if the crime had occurred in this State upon a showing that the state, territory, country, or political subdivision of a country in which the crime occurred does not have a compensation of victims of crimes law for which that Illinois resident is eligible, (7) the parent, spouse, or child of a deceased person whose body is dismembered or whose remains are desecrated as the result of a crime of violence, ~~or~~ (8) (blank), or (9) an individual who is injured or killed in an incident in which a law enforcement officer's use of force caused bodily harm or death to that individual.

(e) "Dependent" means a relative of a deceased victim who was wholly or partially dependent upon the victim's income at the time of his or her death and shall include the child of a victim born after his or her death.

(f) "Relative" means a spouse, parent, grandparent, stepfather, stepmother, child, grandchild, brother, brother-in-law, sister, sister-in-law, half brother, half sister, spouse's parent, nephew, niece, uncle, aunt, or anyone living in the dwelling ~~household~~ of a person killed or injured in a relationship that is substantially similar to that of a parent, spouse, or child.

(g) "Child" means a son or daughter and includes a stepchild, an adopted child or a child born out of wedlock.

(h) "Pecuniary loss" means:

(1) in the case of injury, appropriate medical expenses and hospital expenses including expenses of medical examinations, rehabilitation, medically required nursing care expenses, appropriate psychiatric care or psychiatric counseling expenses, appropriate expenses for care or counseling by a licensed clinical psychologist, licensed clinical social worker, licensed professional counselor, or licensed clinical professional counselor and expenses for treatment by Christian Science practitioners and nursing care appropriate thereto;

(2) transportation expenses to and from medical and counseling treatment facilities;

(3) prosthetic appliances, eyeglasses, and hearing aids necessary or damaged as a result of the crime;

(4) expenses incurred for the towing and storage of a victim's vehicle in connection with a crime of violence, to a maximum of $1,000;

(5) costs associated with trafficking tattoo removal by a person authorized or licensed to perform the specific removal procedure; for victims of offenses defined in Section 10-9 of the Criminal Code of 2012, the victim shall submit a statement under oath on a form prescribed by the Attorney General attesting that the removed tattoo was applied in connection with the commission of the offense;

(6) replacement costs for clothing and bedding used as evidence;

(7) costs associated with temporary lodging or relocation necessary as a result of the crime, including, but not limited to, the first 2 months' rent and security deposit of the dwelling that the claimant relocated to and other reasonable relocation expenses incurred as a result of the violent crime;

(8) locks, doors, or windows necessary or damaged as a result of the crime;

(9) the purchase, lease, or rental of equipment necessary to create usability of and accessibility to the victim's real and personal property, or the real and personal property which is used by the victim, necessary as a result of the crime; "real and personal property" includes, but is not limited to, vehicles, houses, apartments, townhouses, or condominiums;

(10) the costs of appropriate crime scene clean-up;

(11) replacement services loss, to a maximum of $1,250 per month, with this amount to be divided in proportion to the amount of the actual loss among those entitled to compensation;

(12) dependents replacement services loss, to a maximum of $1,250 per month, with this amount to be divided in proportion to the amount of the actual loss among those entitled to compensation;

(13) loss of tuition paid to attend grammar school or high school when the victim had been enrolled as a student prior to the injury, or college or graduate school when the victim had been enrolled as a day or night student prior to the injury when the victim becomes unable to continue attendance at school as a result of the crime of violence perpetrated against him or her;

(14) loss of earnings, loss of future earnings because of disability resulting from the injury. Loss of future earnings shall be reduced by any income from substitute work actually performed by the victim or by income the victim would have earned in available appropriate substitute work the victim was capable of performing but unreasonably failed to undertake; loss of earnings and loss of future earnings shall be determined on the basis of the victim's average net monthly earnings for the 6 months immediately preceding the date of the injury or on $2,400 per month, whichever is less, or, in cases where the absences commenced more than 3 years from the date of the crime, on the basis of the net monthly earnings for the 6 months immediately preceding the date of the first absence, not to exceed $2,400 per month;

(14.5) loss of earnings for applicants or loss of future earnings for applicants. The applicant must demonstrate that the loss of earnings is a direct result of circumstances attributed to the crime including, but not limited to, court appearances, funeral preparation and bereavement, receipt of medical or psychological care; loss of earnings and loss of future earnings shall be determined on the basis of the applicant's average net monthly earnings for the 6 months immediately preceding the date of the injury or on $2,400 per month, whichever is less, or, in cases where the absences commenced more than 3 years from the date of the crime, on the basis of the net monthly earnings for the 6 months immediately preceding the date of the first absence, not to exceed $2,400 per month;

(15) loss of support of the dependents of the victim. Loss of support shall be determined on the basis of the victim's average net monthly earnings for the 6 months immediately preceding the date of the injury or on $2,400 per month, whichever is less, or, in cases where the absences commenced more than 3 years from the date of the crime, on the basis of the net monthly earnings for the 6 months immediately preceding the date of the first absence, not to exceed $2,400 per month. If a divorced or legally separated applicant is claiming loss of support for a minor child of the deceased, the amount of support for each child shall be based either on the amount of support pursuant to the judgment prior to the date of the deceased victim's injury or death, or, if the subject of pending litigation filed by or on behalf of the divorced or legally separated applicant prior to the injury or death, on the result of that litigation. Loss of support for minors shall be divided in proportion to the amount of the actual loss among those entitled to such compensation;

(16) in the case of death, expenses for reasonable funeral, burial, headstone, cremation, and travel and transport for survivors of homicide victims to secure bodies of deceased victims and to transport bodies for burial all of which may be awarded up to a maximum of $10,000 for each victim. Other individuals that have paid or become obligated to pay funeral, cremation, or burial expenses, including a headstone, for the deceased shall share a maximum award of $10,000, with the award divided in proportion to the amount of the actual loss among those entitled to compensation; ~~and~~

(17) in the case of dismemberment or desecration of a body, expenses for reasonable funeral, ~~and~~ burial, headstone, and cremation, all of which may be awarded up to a maximum of $10,000 for each victim. Other individuals that have paid or become obligated to pay funeral, cremation, or burial

expenses, including a headstone, for the deceased shall share a maximum award of $10,000, with the award divided in proportion to the amount of the actual loss among those entitled to compensation; and.

(19) legal fees resulting from proceedings that became necessary solely because of the crime, including, but not limited to, establishing a legal guardian for the minor victim or the minor child of a victim, or obtaining a restraining order, no contact order, or order of protection, awarded up to a maximum of $3,500.

"Pecuniary loss" does not include pain and suffering or property loss or damage.

The changes made to this subsection by Public Act 101-652 apply to actions commenced or pending on or after January 1, 2022.

(i) "Replacement services loss" means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the injured person would have performed, not for income, but for the benefit of himself or herself or his or her family, if he or she had not been injured.

(j) "Dependents replacement services loss" means loss reasonably incurred by dependents or private legal guardians of minor dependents after a victim's death in obtaining ordinary and necessary services in lieu of those the victim would have performed, not for income, but for their benefit, if he or she had not been fatally injured.

(k) "Survivor" means immediate family including a parent, stepfather, stepmother, child, brother, sister, or spouse.

(l) "Parent" means a natural parent, adopted parent, stepparent, or permanent legal guardian of another person.

(m) "Trafficking tattoo" is a tattoo which is applied to a victim in connection with the commission of a violation of Section 10-9 of the Criminal Code of 2012.

(n) "Dwelling" means a person's primary home. A person may be required to provide verification or proof of residence including, but not limited to, a lease agreement, utility bill, license registration, document showing the mailing address, pay stub, tax form, or notarized statement.

(o) "Dating relationship" means a current, continuous, romantic, courtship, or engagement relationship, often characterized by actions of an intimate or sexual nature or an expectation of affection. "Dating relationship" does not include a casual acquaintanceship or ordinary fraternization between persons in a business or social context.

(p) "Medical facility" means a facility for the delivery of health services. "Medical facility" includes, but is not limited to, a hospital, public health center, outpatient medical facility, federally qualified health center, migrant health center, community health center, or State correctional institution.

(q) "Mental health provider" means a licensed clinical psychologist, a licensed clinical social worker, a licensed professional counselor, or a licensed clinical professional counselor as defined in the Mental Health and Developmental Disabilities Code.

(r) "Independent medical evaluation" means an assessment by a mental health provider who is not currently providing treatment to the applicant and will not seek reimbursement from the program for continuing treatment after the assessment. A provider may seek reimbursement for the assessment.

(Source: P.A. 102-27, eff. 6-25-21; 102-905, eff. 1-1-23; 102-982, eff. 7-1-23; 103-154, eff. 6-30-23; 103-564, eff. 11-17-23.)

(740 ILCS 45/2.5)

Sec. 2.5. Felony status ~~Felon as victim~~. A victim's criminal history or felony status shall not ~~automatically~~ prevent compensation to that victim or the victim's family. No compensation may be granted to an applicant under this Act while the applicant is held in a correctional institution. An applicant who is held in a correctional institution may apply for assistance under this Act at any time, but no award of compensation may be considered until the applicant meets the requirements of this Section. ~~However, no compensation may be granted to a victim or applicant under this Act while the applicant or victim is held in a correctional institution. For purposes of this Section, the death of a felon who is serving a term of parole, probation, or mandatory supervised release shall be considered a discharge from that sentence.~~

~~A victim who has been convicted of a felony may apply for assistance under this Act at any time but no award of compensation may be considered until the applicant meets the requirements of this Section.~~

~~The changes made to this Section by this amendatory Act of the 96th General Assembly apply to actions commenced or pending on or after the effective date of this amendatory Act of the 96th General Assembly.~~

(Source: P.A. 101-652, eff. 7-1-21.)

(740 ILCS 45/4.1) (from Ch. 70, par. 74.1)

Sec. 4.1. In addition to other powers and duties set forth in this Act and other powers exercised by the Attorney General, the Attorney General shall:

(1) investigate all claims and prepare and present an investigatory report and a draft award determination to the Court of Claims for a review period of 28 business days;

(2) upon conclusion of the review by the Court of Claims, provide the applicant with a compensation determination letter;

(3) prescribe and furnish all applications and other forms required to be filed in the office of the Attorney General by the terms of this Act; ~~and~~

(4) represent the interests of the State of Illinois in any hearing before the Court of Claims; and~~.~~

(5) upon failure to comply with Section 4.2, the Attorney General's office shall have the power to issue subpoenas to compel the production of law enforcement reports maintained by law enforcement agencies.

The changes made to this Section by this amendatory Act of the 101st General Assembly apply to actions commenced or pending on or after January 1, 2022.

(Source: P.A. 101-652, eff. 7-1-21; 102-27, eff. 6-25-21.)

(740 ILCS 45/4.2)

Sec. 4.2. ~~Cooperation in review of crime victims compensation applications.~~ A law enforcement agency ~~in this State~~ shall, within 15 days of receipt of a written request for a police report made to verify that the requirements of a crime victims compensation application under Section 6.1 of this Act have been met, provide the Attorney General's office with the law enforcement agency's full written report of the investigation of the crime for which an application for compensation has been filed. The law enforcement agency may redact the following from the report: names of confidential sources and informants; locations from which law enforcement conduct surveillance; and information related to issues of national security the law enforcement agency provided to or received from the United States Department of Homeland Security or another federal law enforcement agency. The Attorney General's office and a law enforcement agency may agree to the redaction of other information in the report or to the provision of necessary information in another format. Within 15 days of receipt of the request, a law enforcement agency shall respond to a written request from the Attorney General's office for additional information necessary to assist the Attorney General's office in making a recommendation for compensation.

An applicant may obtain and provide a law enforcement report to the Attorney General and the Attorney General may proceed with the review of the application. If the copy of the law enforcement report provided by the applicant does not contain all the information the Attorney General needs to move forward with the review of the application, the Attorney General may proceed with requesting from the law enforcement agency the full written report of the investigation.

Records that are obtained by the Attorney General's office from a law enforcement agency under this Section for purposes of investigating an application for crime victim compensation shall not be disclosed to the public, including the applicant, by the Attorney General's office. Law enforcement reports or other documentation obtained by the Attorney General's office from an applicant, victim, or third party under this Act for the purposes of investigating an application for crime victim compensation shall not be disclosed to the public or any individual or entity, not including the individual who supplied the report or documentation, by the Attorney General's office. Any ~~The~~ records obtained by the Attorney General's office to process the application, including but not limited to applications, documents, and photographs, ~~while in the possession of the Attorney General's office,~~ shall be exempt from disclosure by the Attorney General's office under the Freedom of Information Act.

(Source: P.A. 100-690, eff. 1-1-19.)

(740 ILCS 45/5.1) (from Ch. 70, par. 75.1)

Sec. 5.1. (a) Every hospital licensed under the laws of this State shall display prominently in its emergency room posters giving notification of the existence and general provisions of this Act. The posters may be displayed by physical or electronic means. ~~Such posters shall be provided by the Attorney General.~~

(b) Any law enforcement agency that investigates an offense committed in this State shall inform the victim or any potential applicant contacted during the course of an investigation or arrest regarding ~~of the offense or his dependents concerning~~ the Crime Victims Compensation Program, ~~availability of an award of compensation~~ and advise such persons that any information concerning this Act and the filing of a claim may be obtained from the office of the Attorney General.

(c) The Office of the Attorney General shall make available on its website applications, forms, posters, and general information that law enforcement agencies and hospitals may use to comply with this Section.

(Source: P.A. 102-4, eff. 4-27-21.)

(740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

Sec. 6.1. Right to compensation. A person is entitled to compensation under this Act if:

(a) Timing. Within 5 years of the occurrence of the crime, or within one year after a criminal charge of a person for an offense, upon which the claim is based, the applicant presents an application, under oath, to the Attorney General that is filed with the Court of Claims and on a form prescribed in accordance with Section 7.1 furnished by the Attorney General. If the person entitled to compensation is under 18 years of age or under other legal disability at the time of the occurrence or is determined by a court to be under a legal disability as a result of the occurrence, he or she may present the application required by this subsection within 3 years after he or she attains the age of 18 years or the disability is removed, as the case may be. Legal disability includes a diagnosis of posttraumatic stress disorder.

(a-1) The Attorney General and the Court of Claims may accept an application presented after the period provided in subsection (a) if the Attorney General determines that the applicant had good cause for a delay.

(b) Notification. The ~~For all crimes of violence, except those listed in subsection (b-1) of this Section, the~~ appropriate law enforcement officials were notified within 72 hours of the perpetration of the crime allegedly causing the death or injury to the victim ~~or, in the event such notification was made more than 72 hours after the perpetration of the crime, the applicant establishes that such notice was timely under the circumstances~~. If the notification was made more than 72 hours after the perpetration of the crime and the applicant establishes that the notice was timely under the circumstances, the Attorney General and the Court of Claims may extend the time for reporting to law enforcement.

For victims of offenses defined in Sections 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, and 12-14 of the Criminal Code of 1961 or the Criminal Code of 2012, the appropriate law enforcement officials were notified within 7 days of the perpetration of the crime allegedly causing death or injury to the victim or, if the notification was made more than 7 days after the perpetration of the crime, the applicant establishes that the notice was timely under the circumstances.

(b-1) If, in lieu of a law enforcement report, ~~For victims of offenses defined in Sections 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012, the appropriate law enforcement officials were notified within 7 days of the perpetration of the crime allegedly causing death or injury to the victim or, in the event that the notification was made more than 7 days after the perpetration of the crime, the applicant establishes that the notice was timely under the circumstances. If~~ the applicant or victim has obtained an order of protection, a civil no contact order, or a stalking no contact order, has presented ~~himself or herself~~ to a medical facility ~~hospital~~ for medical care or sexual assault evidence collection, has presented to a mental health provider for an independent medical evaluation, or is engaged in a legal proceeding involving a claim that the applicant or victim is a victim of human trafficking or law enforcement use of force, such action shall constitute appropriate notification under this ~~subsection (b-1) or subsection (b) of this~~ Section.

(b-2) For purposes of notification under this Act, a victim who presents to a medical facility shall provide information sufficient to fulfill the requirements of this Section, except that the victim shall not be required to identify the offender to the medical provider.

(b-3) An applicant who is filing a claim that a law enforcement officer's use of force caused injury or death, may fulfill the notification requirement by complying with subsection (b), filing a complaint with the Illinois Law Enforcement Training Standards Board, filing a lawsuit against a law enforcement officer or department, or presenting evidence that the victim has obtained a settlement or a verdict in a civil suit. An application filed by an individual presenting evidence of a verdict in a civil suit must be filed within one year after the resolution of the civil suit.

(b-4) An applicant may provide notification to a mental health provider regarding physical injuries of the victim or for victims of offenses defined in Sections 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14.4, 12-3.2, 12-3.3, 12-3.4, 12-7.3, 12-7.4 of the Criminal Code of 2012, psychological injuries resulting from the commission of the crime for which the applicant is filing an

application. The provider shall perform an independent medical evaluation and provide the provider's professional opinion as to whether the injuries claimed are consistent with having resulted from the commission of the crime for which the applicant is filing an application.

Upon completion of the independent medical evaluation, the mental health provider shall complete a certification form, signed under oath. The form shall be provided by the Office of the Attorney General and contain the following:

(1) The provider's name, title, license number and place of employment.

(2) Contact information for the provider.

(3) The provider's relationship with the applicant.

(4) The date the crime was reported to the provider.

(5) The reported crime.

(6) The date and location of the crime.

(7) If there are physical injuries, what injuries that the mental health provider can attest to being present on the day of the reporting if they are consistent with the crime reported to the provider.

(8) If there are psychological injuries, whether the provider in his or her professional opinion believes that the injuries presented on the day of the reporting are consistent with the crime reported to the provider.

(9) A detailed summary of the incident, as reported.

(10) Any documentation or photos that relate to the crime of violence for which the applicant is seeking reimbursement.

(c) Cooperation. The applicant has cooperated with law enforcement officials in the apprehension and prosecution of the assailant. If the applicant or victim has obtained an order of protection, a civil no contact order, or a stalking no contact order, has presented ~~himself or herself~~ to a medical facility ~~hospital~~ for medical care or sexual assault evidence collection, obtained an independent medical examination from a mental health provider as described in subsection (b-4), has taken any of the actions described in subsection (b-3), or is engaged in a legal proceeding involving a claim that the applicant or victim is a victim of human trafficking, such action shall constitute cooperation under this subsection (c). If the victim is under 18 years of age at the time of the commission of the offense, the following shall constitute cooperation under this subsection (c):

(1) the applicant or the victim files a police report with a law enforcement agency;

(2) a mandated reporter reports the crime to law enforcement; or

(3) a person with firsthand knowledge of the crime reports the crime to law enforcement.

In evaluating cooperation, the Attorney General and Court of Claims may consider the victim's age, physical condition, psychological state, cultural or linguistic barriers, and compelling health and safety concerns, including, but not limited to, a reasonable fear of retaliation or harm that would jeopardize the well-being of the victim or the victim's family, and giving due consideration to the degree of cooperation that the victim or derivative victim is capable of in light of the presence of any of these factors, or any other factor the Attorney General considers relevant.

(d) If the ~~The~~ applicant is not barred from receiving compensation under Section 10.1 ~~the offender or an accomplice of the offender and the award would not unjustly benefit the offender or his accomplice~~.

(e) (Blank).

(f) (Blank). ~~For victims of offenses defined in Section 10-9 of the Criminal Code of 2012, the victim submits a statement under oath on a form prescribed by the Attorney General attesting that the removed tattoo was applied in connection with the commission of the offense.~~

(g) (Blank). ~~In determining whether cooperation has been reasonable, the Attorney General and Court of Claims may consider the victim's age, physical condition, psychological state, cultural or linguistic barriers, and compelling health and safety concerns, including, but not limited to, a reasonable fear of retaliation or harm that would jeopardize the well-being of the victim or the victim's family, and giving due consideration to the degree of cooperation that the victim or derivative victim is capable of in light of the presence of any of these factors, or any other factor the Attorney General considers relevant.~~

The changes made to this Section by this amendatory Act of the 101st General Assembly apply to actions commenced or pending on or after January 1, 2022.

(Source: P.A. 101-652, eff. 7-1-21; 102-27, eff. 6-25-21.)

(740 ILCS 45/7.1) (from Ch. 70, par. 77.1)

Sec. 7.1. (a) The application shall set out:

(1) the name and address of the victim;

(2) if the victim is deceased, the name and address of the applicant and his or her relationship to the victim, the names and addresses of other persons dependent on the victim for their support and the extent to which each is so dependent, and other persons who may be entitled to compensation for a pecuniary loss;

(3) the date and nature of the crime on which the application for compensation is based;

(4) the date and place where notification under Section 6.1 was given and to whom, or the date and place of issuance of an order of protection, no contact order, evidence of a legal proceeding involving human trafficking, or in cases of a law enforcement officer's use of force, another form of documentation allowable under Section 6.1 ~~and the law enforcement officials to whom notification of the crime was given~~;

(4.5) if the victim is providing supplemental forms of documentation, that documentation, the date the victim obtained that other form of documentation and the type of documentation;

(5) the nature and extent of the injuries sustained by the victim, and the names and addresses of those giving medical and hospitalization treatment to the victim;

(6) the pecuniary loss to the applicant and to such other persons as are specified under item (2) resulting from the injury or death;

(7) the amount of benefits, payments, or awards, if any, payable under:

(a) the Workers' Compensation Act,

(b) the Dram Shop Act,

(c) any claim, demand, or cause of action based upon the crime-related injury or death,

(d) the Federal Medicare program,

(e) the State Public Aid program,

(f) Social Security Administration burial benefits,

(g) Veterans administration burial benefits,

(h) life, health, accident, vehicle, towing, or liability insurance,

(i) the Criminal Victims' Escrow Account Act,

(j) the Sexual Assault Survivors Emergency Treatment Act,

(k) restitution, or

(l) any other source;

(8) releases authorizing the surrender to the Court of Claims or Attorney General of reports, documents and other information relating to the matters specified under this Act and rules promulgated in accordance with the Act;

(9) such other information as the Court of Claims or the Attorney General reasonably requires.

(b) The Attorney General may require that materials substantiating the facts stated in the application be submitted with that application.

(b-5) The victim or applicant may provide to the Attorney General a sworn statement by the victim or applicant that attests to the victim's or applicant's experience of a crime or crimes of violence, in addition to documentation required under this Act. If the victim or applicant has additional corroborating evidence beyond those described in this Act, the victim or applicant may provide the following documents: law enforcement report; medical records; confirmation of sexual assault evidence collection; order of protection; civil no contact order, stalking no contact order; photographs; letter from a service provider who serves victims of crime; affidavit from a witness of the crime of violence; court record; military record; or any other corroborating evidence. Such documentation or statement may be used to supplement required documentation to verify the incident but is not required. If an applicant is seeking an exception under subsection (b) or (c-1) of Section 6.1, the applicant shall provide any additional documentation, information, or statement that substantiates the facts stated in the application.

(c) An applicant, on his or her own motion, may file an amended application or additional substantiating materials to correct inadvertent errors or omissions at any time before the original application has been disposed of by the Court of Claims or the Attorney General. In either case, the filing of additional information or of an amended application shall be considered for the purpose of this Act to have been filed at the same time as the original application.

For claims submitted on or after January 1, 2022, an amended application or additional substantiating materials to correct inadvertent errors or omissions may be filed at any time before the original application is disposed of by the Attorney General or the Court of Claims.

(d) Determinations submitted by the Attorney General to the Court of Claims shall be available to the Court of Claims for review. The Attorney General shall provide the sources and evidence relied upon as a basis for a compensation determination.

(e) The changes made to this Section by this amendatory Act of the 101st General Assembly apply to actions commenced or pending on or after January 1, 2022.

(Source: P.A. 101-652, eff. 7-1-21; 102-27, eff. 6-25-21; 102-905, eff. 1-1-23.)

(740 ILCS 45/8.1) (from Ch. 70, par. 78.1)

Sec. 8.1. If an applicant does not submit all materials substantiating his or her claim as requested of him or her by the Attorney General, the Attorney General shall notify the applicant in writing of the specific additional items of information or materials required and that he or she has 45 days in which to furnish those items to the Attorney General. The Attorney General shall report an applicant's failure to comply within 45 days of the foregoing notice to the Court of Claims. No award of compensation shall be made for any portion of the applicant's claim that is not substantiated by the applicant. An applicant may request an extension of time from the Attorney General prior to the expiration of the 45-day period.

After an application has been filed, an applicant's failure to respond to communication from the Office of the Attorney General or the Court of Claims or a failure to provide necessary documentation to substantiate the request for compensation may result in the claim being closed without compensation. An applicant may submit to have the claim reopened when the applicant is able to provide missing information and communicate regarding the claim.

Failure to update the Office of the Attorney General with changes to the applicant's contact information after the application is submitted to the Office of the Attorney General may result in applications that are not filed with the Court of Claims or claims that are closed without compensation.

(Source: P.A. 102-27, eff. 1-1-22.)

(740 ILCS 45/10.1) (from Ch. 70, par. 80.1)

Sec. 10.1. Award of compensation. The awarding of compensation and the amount of compensation to which an applicant and other persons are entitled shall be based on the following factors:

(a) Each victim may be compensated for his or her pecuniary loss up to the maximum amount allowable.

(b) Each dependent may be compensated for loss of support, as provided in paragraph (15) of subsection (h) of Section 2.

(c) Any person, even though not dependent upon the victim for his or her support, may be compensated for reasonable expenses of the victim to the extent to which he or she has paid or become obligated to pay such expenses and only after compensation for reasonable funeral, medical and hospital expenses of the victim have been awarded may compensation be made for reasonable expenses of the victim incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime. Persons that have paid or become obligated to pay expenses for a victim shall share the maximum award with the amount divided in proportion to the amount of the actual loss among those entitled to compensation.

(d) Except for claims listed under subsection (d-1) of this Section, an ~~An~~ award shall be reduced or denied according to the extent to which the victim's injury or death was caused by provocation or incitement by the victim or the victim assisting, attempting, or committing a criminal act. ~~A denial or reduction shall not automatically bar the survivors of homicide victims from receiving compensation for counseling, crime scene cleanup, relocation, funeral or burial costs, and loss of support if the survivor's actions have not initiated, provoked, or aggravated the suspect into initiating the qualifying crime.~~

(d-1) For claims that a law enforcement officer's use of force resulted in injury or death to a victim, an award shall be reduced or denied to the extent by which the victim's behavior posed an imminent threat of death or serious bodily injury to the law enforcement officer or another person and such behavior of the victim was a direct and proximate cause of the victim's injury or death. If a police report has been made, the police report shall not be the sole factor if the Attorney General or Court of Claims has identified reliable information that conflicts with the police report.

(d-2) A person who is criminally responsible for the crime upon which a claim is based or an accomplice of such person shall not be eligible to receive an award with respect to such claim. A

member of the family of a person criminally responsible for the crime upon which a claim is based or a member of the family of an accomplice of such person shall be eligible to receive an award, unless the person criminally responsible will receive substantial economic benefit or unjust enrichment from the compensation. In no event shall an applicant be denied compensation solely because of the applicant's or the victim's familial relationship with the offender or because of the sharing of a dwelling by the victim or applicant and the offender.

(d-3) A denial or reduction shall not automatically bar the survivors of homicide victims from receiving compensation for counseling, crime scene cleanup, relocation, funeral or burial costs, and loss of support.

(e) An award shall be reduced by the amount of benefits, payments or awards payable under those sources which are required to be listed under item (7) of Section 7.1(a) and any other sources except annuities, pension plans, Federal Social Security payments payable to dependents of the victim and the net proceeds of the first $25,000 of life insurance that would inure to the benefit of the applicant, which the applicant or any other person dependent for the support of a deceased victim, as the case may be, has received or to which he or she is entitled as a result of injury to or death of the victim.

(f) A final award shall not exceed $10,000 for a crime committed prior to September 22, 1979, $15,000 for a crime committed on or after September 22, 1979 and prior to January 1, 1986, $25,000 for a crime committed on or after January 1, 1986 and prior to August 7, 1998, $27,000 for a crime committed on or after August 7, 1998 and prior to August 7, 2022, or $45,000 per victim for a crime committed on or after August 7, 2022. For any applicant who is not a victim, if the total pecuniary loss is greater than the maximum amount allowed, the award shall be divided in proportion to the amount of actual loss among those entitled to compensation who are not victims.

(g) Compensation under this Act is a secondary source of compensation and the applicant must show that he or she has exhausted the benefits reasonably available under the Criminal Victims' Escrow Account Act or any governmental or medical or health insurance programs, including, but not limited to, Workers' Compensation, the Federal Medicare program, the State Public Aid program, Social Security Administration burial benefits, and Veterans Administration burial benefits, and life, health, accident, full vehicle coverage (including towing insurance, if available), or liability insurance. Crowdfunding resources available to applicants are not considered collateral sources of payment, regardless of any statements made about what expenses the crowdfunding resources will be used to pay.

(Source: P.A. 102-27, eff. 1-1-22; 102-905, eff. 1-1-23; 103-564, eff. 11-17-23.)

(740 ILCS 45/18.5)

Sec. 18.5. Restrictions on collection of debts incurred by crime victims.

(a) Within 10 business days after the filing of a claim, the Office of the Attorney General shall issue an applicant a written notice of the crime victim compensation claim and inform the applicant that the applicant may provide a copy of the written notice to vendors to have debt collection activities cease while the claim is pending.

(b) An applicant may provide a copy of the written notice to a vendor waiting for payment of a related debt. A vendor that receives notice of the filing of a claim under this Act with the Court of Claims or Attorney General must cease all debt collection activities against the applicant for a related debt. A vendor that assists an applicant to complete or submit an application for compensation or a vendor that submits a bill to the Office of the Attorney General has constructive notice of the filing of the claim and must not engage in debt collection activities against the applicant for a related debt. If the Court of Claims or Attorney General awards compensation for the related debt, a vendor shall not engage in debt collection activities while payment is pending. If the Court of Claims denies compensation for a vendor's bill for the related debt or a portion thereof, the vendor may not engage in debt collection activities until 45 days after the date of notice from the Court of Claims or the Attorney General denying compensation in whole or in part.

(c) A vendor that has notice of a compensation claim may~~: (1)~~ submit a written request to the Attorney General for notification of the Attorney General's decision involving a related debt. The Attorney General shall provide notification of payment or denial of payment within 30 days of its decision~~; (2) submit a bill for a related debt to the Office of the Attorney General; and (3) contact the Office of the Attorney General to inquire about the status of the claim~~.

(d) The statute of limitations for collection of a related debt is tolled upon the filing of the claim with the Court of Claims and all civil actions in court against the applicant for a related debt shall be stayed until 45 days after the Attorney General denies or the Court of Claims enters an order denying compensation for the related debt or portion thereof.

(d-5) Any vendor that violates the provisions of this Section may be held liable to the affected victim or applicant in an action brought in a court of competent jurisdiction for such legal or equitable relief as may be appropriate to effectuate the purposes of this Section.

(e) As used in this Section:

(1) "Crime victim" means a victim of a violent crime or an applicant as defined in this Act.

(2) "Debt collection activities" means:

(A) communicating with, harassing, or intimidating the crime victim for payment, including, but not limited to:

(i) repeatedly calling or writing to the crime victim or applicant or his or her relatives or employers;

(ii) calling or writing to the victim or applicant or his or her relatives or employers after an explicit request to cease contact; and

(iii) threatening to refer the related debt to a debt collection agency or to an attorney for collection, enforcement, or the filing of other process;

(B) contacting a credit ratings agency or distributing information to affect the crime victim's credit rating as a result of the related debt;

(C) referring a bill, or portion thereof, to a collection agency or attorney for collection action against the crime victim; or

(D) taking any other action adverse to the crime victim or his or her family on account of the related debt.

"Debt collection activities" does not include billing insurance or other government programs, routine inquiries about coverage by private insurance or government programs, or routine billing that indicates that the amount is not due pending resolution of the crime victim compensation claim.

(3) "Related debt" means a debt or expense for hospital, medical, dental, or counseling services incurred by or on behalf of a crime victim as a direct result of the crime.

(4) "Vendor" includes persons, providers of service, vendors' agents, debt collection agencies, and attorneys hired by a vendor.

(Source: P.A. 102-27, eff. 1-1-22.)

Section 99. Effective date. The provisions changing Sections 2, 2.5, 4.2, 5.1, 6.1, 7.1, 8.1, and 10.1 of the Crime Victims Compensation Act take effect January 1, 2025. This Section and the provisions changing Sections 4.1 and 18.5 of the Crime Victims Compensation Act and the Juvenile Court Act of 1987 take effect upon becoming law.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Cunningham, **Senate Bill No. 3758** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Glowiak Hilton, **Senate Bill No. 3768** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Education, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 3768

AMENDMENT NO. 1 . Amend Senate Bill 3768 as follows:

by replacing line 12 on page 1 through line 4 on page 2 with the following:

"(a) For the purpose of this Section, persons with deaf-blindness are (i) individuals with concomitant hearing and visual impairments, the combination of which causes such severe communication and other

developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness, (ii) individuals with solely a hearing impairment, or (iii) individuals with solely a visual impairment. ~~persons who have both auditory and visual impairments, the combination of which causes such severe communication and other developmental, educational, vocational and rehabilitation problems that such persons cannot be properly accommodated in special education or vocational rehabilitation programs solely for persons with both hearing and visual disabilities.~~

(b) To be eligible for deaf-blind services under this Section, a person must have (i) a visual impairment, a hearing ~~and an auditory~~ impairment, or both or (ii) a condition in which there is a progressive loss of hearing, ~~or~~ vision, or both that ~~results in concomitant vision and hearing impairments and that~~ adversely affects educational performance as determined by the multidisciplinary conference. For purposes of this paragraph and Section:"; and

on page 2, line 15, by replacing "An auditory" with "A hearing ~~An auditory~~"; and

on page 3, lines 7 through 9, by deleting "The Philip J. Rock Center and School shall be located in the Chicago metropolitan area near public transportation."; and

on page 4, by replacing lines 6 through 8 with the following:

"(6) maintaining ~~Maintaining~~ a residential-educational training facility with or without a day program in the Chicago metropolitan area located near ~~in an area accessible to~~ public transportation;"; and

on page 4, by replacing lines 23 through 25 with the following:

"(11) serving ~~Serving~~ as the information ~~referral~~ clearinghouse for all persons who are deaf-blind~~, age 21 and older~~; and".

Senator Glowiak Hilton offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3768

AMENDMENT NO. 2 . Amend Senate Bill 3768, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 14-11.02 as follows:

(105 ILCS 5/14-11.02) (from Ch. 122, par. 14-11.02)

Sec. 14-11.02. The Philip J. Rock Center and School for the Deafblind. ~~Notwithstanding any other Sections of this Article, the State Board of Education shall develop and operate or contract for the operation of a service center for persons who are deaf-blind.~~

(a) For the purpose of this Section, persons who are deafblind ~~with deaf-blindness~~ are (i) individuals with concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness, (ii) individuals with solely a hearing impairment, or (iii) individuals with solely a visual impairment ~~persons who have both auditory and visual impairments, the combination of which causes such severe communication and other developmental, educational, vocational and rehabilitation problems that such persons cannot be properly accommodated in special education or vocational rehabilitation programs solely for persons with both hearing and visual disabilities~~.

(b) To be eligible for deafblind ~~deaf-blind~~ services under this Section, a person must have (i) a visual impairment, a hearing ~~and an auditory~~ impairment, or both or (ii) a condition in which there is a progressive loss of hearing, ~~or~~ vision, or both that ~~results in concomitant vision and hearing impairments and that~~ adversely affects educational performance as determined by the multidisciplinary conference. For purposes of this ~~paragraph and~~ Section:

(1) ~~(A)~~ A visual impairment shall have the same meaning as in the federal Individuals With Disabilities Education Act and its implementing regulations ~~is defined to mean one or more of the following: (i) corrected visual acuity poorer than 20/70 in the better eye; (ii) restricted visual field of 20 degrees or less in the better eye; (iii) cortical blindness; (iv) does not appear to respond to visual~~

~~stimulation, which adversely affects educational performance as determined by the multidisciplinary conference~~.

(2) A hearing ~~(B) An auditory~~ impairment shall have the same meaning as in the federal Individuals With Disabilities Education Act and its implementing regulations ~~is defined to mean one or more of the following: (i) a sensorineural or ongoing or chronic conductive hearing loss with aided sensitivity of 30dB HL or poorer; (ii) functional auditory behavior that is significantly discrepant from the person's present cognitive and/or developmental levels, which adversely affects educational performance as determined by the multidisciplinary conference~~.

(c) Notwithstanding any other provision of Article 14, the ~~The~~ State Board of Education shall ~~is empowered to establish,~~ maintain and operate or contract for the operation of a permanent, statewide, residential education facility ~~state-wide service center~~ known as the Philip J. Rock Center and School that services. ~~The School serves~~ eligible students ~~children~~ between the ages of 3 and 21, unless a student's 22nd birthday occurs during the school year, in which case the student is eligible for such services through the end of the school year. Subject to appropriation, the Philip J. Rock Center and School may provide additional services to ~~21; the Center serves~~ eligible deafblind persons of all ages. The State Board of Education shall include a line item in its budget to pay the costs of operating and maintaining the Philip J. Rock Center and School. If the Center and School receives appropriated funding to serve eligible deafblind persons of all ages, services ~~Services~~ provided by the Center and School shall include, but are not limited to:

(1) identifying ~~Identifying~~ and providing case management of individuals with combined vision and hearing loss ~~persons who are auditorily and visually impaired~~;

(2) providing ~~Providing~~ families with appropriate information and dissemination of information ~~counseling~~;

(3) providing information to ~~Referring~~ persons who are deafblind about the ~~deaf-blind to~~ appropriate agencies for medical and diagnostic services;

(4) referring ~~Referring~~ persons who are deafblind ~~deaf-blind~~ to appropriate agencies for educational, rehabilitation, and support ~~training and care~~ services;

(5) developing ~~Developing~~ and expanding services throughout the State to persons who are deafblind ~~deaf-blind~~. This shall ~~will~~ include ancillary services, such as transportation, so that these persons ~~the individuals~~ can take advantage of the expanded services;

(6) maintaining ~~Maintaining~~ a residential-educational training facility, with or without a day program, in the Chicago metropolitan area located near ~~in an area accessible to~~ public transportation;

(7) (blank); ~~Receiving, dispensing, and monitoring State and Federal funds to the School and Center designated for services to persons who are deaf-blind;~~

(8) coordinating ~~Coordinating~~ services to persons who are deafblind ~~deaf-blind~~ through all appropriate agencies, including the Department of Children and Family Services and the Department of Human Services;

(9) entering ~~Entering~~ into contracts with other agencies to provide services to persons who are deafblind ~~deaf-blind~~;

(10) (blank); ~~Operating on a no-reject basis. Any individual referred to the Center for service and diagnosed as deaf-blind, as defined in this Act, shall qualify for available services;~~

(11) serving ~~Serving~~ as the information ~~referral~~ clearinghouse for all persons who are deafblind ~~deaf-blind, age 21 and older~~; and

(12) (blank). ~~Providing transition services for students of Philip J. Rock School who are deaf-blind and between the ages of 14 1/2 and 21.~~

(d) For the purposes of employment, the Philip J. Rock Center and School shall be considered its own employer. The State Board of Education shall appoint a chief administrator of the Philip J. Rock Center and School, who shall be employed by the Center and School and shall manage the daily operations of the Center and School. The chief administrator shall have the authority on behalf of the Center and School to:

(1) hire, evaluate, discipline, and terminate staff of the Center and School;

(2) determine wages, benefits, and other conditions of employment for all Center and School employees;

(3) bargain with the exclusive bargaining representative of the employees of the Center and School;

(4) develop a budget to be submitted to the State Board of Education for review and approval;

(5) contract for any professional, legal, and educational services necessary for the operation of the Center and School;

(6) make all decisions regarding the daily operations of the Center and School; and

(7) perform any other duties as set forth in the employment contract for the chief administrator.

(e) If the State Board of Education contracts for the fiscal administration of the Philip J. Rock Center and School, then the contract shall be with a school district, special education cooperative, or regional office of education that can serve as the fiscal agent for the Center and School. To the extent possible, the fiscal agent shall be in close geographic proximity to the Center and School.

(f) Through the individualized education program process with the student's resident school district, a student who resides at the Philip J. Rock Center and School may be placed in an alternate educational program by the student's individualized education program team. Educational placement and services shall be provided free of charge to the student's resident school district, unless there is tuition associated with the educational placement and services. If the Philip J. Rock Center and School must pay tuition or provide transportation for a student's educational placement and services, such tuition or transportation shall be billed to the student's resident school district.

(g) The Advisory Board for Services for Persons who are deafblind ~~Deaf-Blind~~ shall provide advice to the State Superintendent of Education, the Governor, and the General Assembly on all matters pertaining to policy concerning persons who are deafblind ~~deaf-blind~~, including the implementation of legislation enacted on their behalf.

The ~~Regarding the maintenance, operation and education functions of the Philip J. Rock Center and School, the~~ Advisory Board shall also make recommendations pertaining to but not limited to the following matters:

(1) existing ~~Existing~~ and proposed programs of all State agencies that provide services for persons who are deafblind ~~deaf-blind~~;

(2) the ~~The~~ State program and financial plan for deafblind ~~deaf-blind~~ services and the system of priorities to be developed by the State Board of Education;

(3) standards ~~Standards~~ for services in facilities serving persons who are deafblind ~~deaf-blind~~;

(4) standards ~~Standards~~ and rates for State payments for any services purchased for persons who are deafblind ~~deaf-blind~~;

(5) services ~~Services~~ and research activities in the field of deafblindness ~~deaf-blindness~~, including the evaluation of services; and

(6) planning ~~Planning~~ for personnel or preparation ~~personnel/preparation~~, both preservice and inservice.

The Advisory Board shall consist of 3 persons appointed by the Governor; 2 persons appointed by the State Superintendent of Education; 4 persons appointed by the Secretary of Human Services; and 2 persons appointed by the Director of Children and Family Services. ~~The 3 appointments of the Governor shall consist of a senior citizen 60 years of age or older, a consumer who is deaf-blind, and a parent of a person who is deaf-blind; provided that if any gubernatorial appointee serving on the Advisory Board on the effective date of this amendatory Act of 1991 is not either a senior citizen 60 years of age or older or a consumer who is deaf-blind or a parent of a person who is deaf-blind, then whenever that appointee's term of office expires or a vacancy in that appointee's office sooner occurs, the Governor shall make the appointment to fill that office or vacancy in a manner that will result, at the earliest possible time, in the Governor's appointments to the Advisory Board being comprised of one senior citizen 60 years of age or older, one consumer who is deaf-blind, and one parent of a person who is deaf-blind.~~ One person designated by each agency other than the Department of Human Services may be an employee of that agency. Two persons appointed by the Secretary of Human Services may be employees of the Department of Human Services. The appointments of each appointing authority other than the Governor shall include at least one parent of an individual who is deafblind ~~deaf-blind~~ or a person who is deafblind ~~deaf-blind~~.

Vacancies in terms shall be filled by the original appointing authority. After the original terms, all terms shall be for 3 years.

~~Except for those members of the Advisory Board who are compensated for State service on a full-time basis, members shall be reimbursed for all actual expenses incurred in the performance of their duties. Each member who is not compensated for State service on a full-time basis shall be compensated at a rate of $50 per day which he spends on Advisory Board duties.~~ The Advisory Board shall meet at least 2 ~~4~~ times per year ~~and not more than 12 times per year~~.

The State Board of Education ~~Advisory Board~~ shall provide support to the Advisory Board ~~for its own organization~~.

~~Six members of the Advisory Board shall constitute a quorum.~~ The affirmative vote of a majority of all members of the Advisory Board shall be necessary for any action taken by the Advisory Board.
(Source: P.A. 88-670, eff. 12-2-94; 89-397, eff. 8-20-95; 89-507, eff. 7-1-97.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Villanueva, **Senate Bill No. 3805** having been printed, was taken up, read by title a second time.

Senator Villanueva offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3805

AMENDMENT NO. 1 . Amend Senate Bill 3805 on page 1, immediately below line 9, by inserting the following:

""Not-for-profit corporation" has the meaning given to that term in Section 101.80 of the General Not For Profit Corporation Act of 1986."; and

on page 1, line 16, after "disabilities,", by inserting "not-for-profit corporations,"; and

on page 2, line 1, after "disabilities,", by inserting "not-for-profit corporations,"; and

on page 2, line 18, after "disabilities,", by inserting "not-for-profit corporations,"; and

on page 2, line 26, after "disabilities,", by inserting "not-for-profit corporations,"; and

on page 3, line 3, by replacing "business formation" with "business formation and not-for-profit incorporation"; and

on page 3, line 4, after "business", by inserting "or not-for-profit corporation"; and

on page 3, line 9, after "disabilities,", by inserting "not-for-profit corporations,"; and

on page 3, line 13, after "disabilities,", by inserting "not-for-profit corporations,".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Feigenholtz, **Senate Bill No. 3551** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 3551

AMENDMENT NO. 1 . Amend Senate Bill 3551 on page 20, by replacing line 12 with the following:
"is amended by changing Sections 70, 72, and 73 as follows:

(765 ILCS 77/70)

Sec. 70. Predatory lending database program.

(a) As used in this Article:

"Adjustable rate mortgage" or "ARM" means a closed-end mortgage transaction that allows adjustments of the loan interest rate during the first 3 years of the loan term.

"Borrower" means a person seeking a mortgage loan.

"Broker" means a "broker" or "loan broker", as defined in subsection (p) of Section 1-4 of the Residential Mortgage License Act of 1987.

"Closing agent" means an individual assigned by a title insurance company or a broker or originator to ensure that the execution of documents related to the closing of a real estate sale or the refinancing of a real estate loan and the disbursement of closing funds are in conformity with the instructions of the entity financing the transaction.

"Counseling" means in-person counseling provided by a counselor employed by a HUD-approved counseling agency to all borrowers, or documented telephone counseling where a hardship would be imposed on one or more borrowers. A hardship shall exist in instances in which the borrower is confined to his or her home due to medical conditions, as verified in writing by a physician, or the borrower resides 50 miles or more from the nearest participating HUD-approved housing counseling agency.

"Counselor" means a counselor employed by a HUD-approved housing counseling agency.

"Credit score" means a credit risk score as defined by the Fair Isaac Corporation, or its successor, and reported under such names as "BEACON", "EMPIRICA", and "FAIR ISAAC RISK SCORE" by one or more of the following credit reporting agencies or their successors: Equifax, Inc., Experian Information Solutions, Inc., and TransUnion LLC. If the borrower's credit report contains credit scores from 2 reporting agencies, then the broker or loan originator shall report the lower score. If the borrower's credit report contains credit scores from 3 reporting agencies, then the broker or loan originator shall report the middle score.

"Department" means the Department of Financial and Professional Regulation.

"Exempt person or entity" means that term as it is defined in subsection ~~subsections~~ (d)~~(1), (d)(1.5), and (d)(1.8)~~ of Section 1-4 of the Residential Mortgage License Act of 1987.

"First-time homebuyer" means a borrower who has not held an ownership interest in residential property.

"HUD-approved counseling" or "counseling" means counseling given to a borrower by a counselor employed by a HUD-approved housing counseling agency.

"Interest only" means a closed-end loan that permits one or more payments of interest without any reduction of the principal balance of the loan, other than the first payment on the loan.

"Lender" means that term as it is defined in subsection (g) of Section 1-4 of the Residential Mortgage License Act of 1987.

"Licensee" means that term as it is defined in subsection (e) of Section 1-4 of the Residential Mortgage License Act of 1987.

"Mortgage loan" means that term as it is defined in subsection (f) of Section 1-4 of the Residential Mortgage License Act of 1987.

"Negative amortization" means an amortization method under which the outstanding balance may increase at any time over the course of the loan because the regular periodic payment does not cover the full amount of interest due.

"Originator" means a "mortgage loan originator" as defined in subsection (jj) of Section 1-4 of the Residential Mortgage License Act of 1987, except an exempt person.

"Points and fees" has the meaning ascribed to that term in Section 10 of the High Risk Home Loan Act.

"Prepayment penalty" means a charge imposed by a lender under a mortgage note or rider when the loan is paid before the expiration of the term of the loan.

"Refinancing" means a loan secured by the borrower's or borrowers' primary residence where the proceeds are not used as purchase money for the residence.

"Title insurance company" means any domestic company organized under the laws of this State for the purpose of conducting the business of guaranteeing or insuring titles to real estate and any title insurance company organized under the laws of another State, the District of Columbia, or a foreign government and authorized to transact the business of guaranteeing or insuring titles to real estate in this State.

(a-5) A predatory lending database program shall be established within Cook County. The program shall be administered in accordance with this Article. The inception date of the program shall be July 1, 2008. A predatory lending database program shall be expanded to include Kane, Peoria, and Will counties. The inception date of the expansion of the program as it applies to Kane, Peoria, and Will counties shall be July 1, 2010. Until the inception date, none of the duties, obligations, contingencies, or consequences of or from the program shall be imposed. The program shall apply to all mortgage applications that are governed by this Article and that are made or taken on or after the inception of the program.

(b) The database created under this program shall be maintained and administered by the Department. The database shall be designed to allow brokers, originators, counselors, title insurance companies, and closing agents to submit information to the database online. The database shall not be designed to allow those entities to retrieve information from the database, except as otherwise provided in this Article. Information submitted by the broker or originator to the Department may be used to populate the online form submitted by a counselor, title insurance company, or closing agent.

(c) Within 10 business days after taking a mortgage application, the broker or originator for any mortgage on residential property within the program area must submit to the predatory lending database all of the information required under Section 72 and any other information required by the Department by rule. Within 7 business days after receipt of the information, the Department shall compare that information to the housing counseling standards in Section 73 and issue to the borrower and the broker or originator a determination of whether counseling is recommended for the borrower. The borrower may not waive counseling. If at any time after submitting the information required under Section 72 the broker or originator (i) changes the terms of the loan or (ii) issues a new commitment to the borrower, then, within 5 business days thereafter, the broker or originator shall re-submit all of the information required under Section 72 and, within 4 business days after receipt of the information re-submitted by the broker or originator, the Department shall compare that information to the housing counseling standards in Section 73 and shall issue to the borrower and the broker or originator a new determination of whether re-counseling is recommended for the borrower based on the information re-submitted by the broker or originator. The Department shall require re-counseling if the loan terms have been modified to meet another counseling standard in Section 73, or if the broker has increased the interest rate by more than 200 basis points.

(d) If the Department recommends counseling for the borrower under subsection (c), then the Department shall notify the borrower of all participating HUD-approved counseling agencies located within the State and direct the borrower to interview with a counselor associated with one of those agencies. Within 10 business days after receipt of the notice of HUD-approved counseling agencies, it is the borrower's responsibility to select one of those agencies and shall engage in an interview with a counselor associated with that agency. The borrower must supply all necessary documents, as set forth by the counselor, at least 72 hours before the scheduled interview. The selection must take place and the appointment for the interview must be set within 10 business days, although the interview may take place beyond the 10 business day period. Within 7 business days after interviewing the borrower, the counselor must submit to the predatory lending database all of the information required under Section 74 and any other information required by the Department by rule. Reasonable and customary costs not to exceed $300 associated with counseling provided under the program shall be paid by the broker or originator and shall not be charged back to, or recovered from, the borrower. The Department shall annually calculate to the nearest dollar an adjusted rate for inflation. A counselor shall not recommend or suggest that a borrower contact any specific mortgage origination company, financial institution, or entity that deals in mortgage finance to obtain a loan, another quote, or for any other reason related to the specific mortgage transaction; however, a counselor may suggest that the borrower seek an opinion or a quote from another mortgage origination company, financial institution, or entity that deals in mortgage finance. A counselor or housing counseling agency that in good faith provides counseling shall not be liable to a broker or originator or borrower for civil damages, except for willful or wanton misconduct on the part of the counselor in providing the counseling.

(e) The broker or originator and the borrower may not take any legally binding action concerning the loan transaction until the later of the following:

(1) the Department issues a determination not to recommend HUD-approved counseling for the borrower in accordance with subsection (c); or

(2) the Department issues a determination that HUD-approved counseling is recommended for the borrower and the counselor submits all required information to the database in accordance with subsection (d).

(f) Within 10 business days after closing, the title insurance company or closing agent must submit to the predatory lending database all of the information required under Section 76 and any other information required by the Department by rule.

(g) The title insurance company or closing agent shall attach to the mortgage a certificate of compliance with the requirements of this Article, as generated by the database. If the transaction is exempt, the title insurance company or closing agent shall attach to the mortgage a certificate of exemption, as generated by the database. Each certificate of compliance or certificate of exemption must contain, at a minimum, one of the borrower's names on the mortgage loan and the property index number for the subject

property. If the title insurance company or closing agent fails to attach the certificate of compliance or exemption, whichever is required, then the mortgage is not recordable. In addition, if any lis pendens for a residential mortgage foreclosure is recorded on the property within the program area, a certificate of service must be simultaneously recorded that affirms that a copy of the lis pendens was filed with the Department. A lis pendens filed after July 1, 2016 shall be filed with the Department electronically. If the certificate of service is not recorded, then the lis pendens pertaining to the residential mortgage foreclosure in question is not recordable and is of no force and effect.

(h) All information provided to the predatory lending database under the program is confidential and is not subject to disclosure under the Freedom of Information Act, except as otherwise provided in this Article. Information or documents obtained by employees of the Department in the course of maintaining and administering the predatory lending database are deemed confidential. Employees are prohibited from making disclosure of such confidential information or documents. Any request for production of information from the predatory lending database, whether by subpoena, notice, or any other source, shall be referred to the Department of Financial and Professional Regulation. Any borrower may authorize in writing the release of database information. The Department may use the information in the database without the consent of the borrower: (i) for the purposes of administering and enforcing the program; (ii) to provide relevant information to a counselor providing counseling to a borrower under the program; or (iii) to the appropriate law enforcement agency or the applicable administrative agency if the database information demonstrates criminal, fraudulent, or otherwise illegal activity.

(i) Nothing in this Article is intended to prevent a borrower from making his or her own decision as to whether to proceed with a transaction.

(j) Any person who violates any provision of this Article commits an unlawful practice within the meaning of the Consumer Fraud and Deceptive Business Practices Act.

(j-1) A violation of any provision of this Article by a mortgage banking licensee or licensed mortgage loan originator shall constitute a violation of the Residential Mortgage License Act of 1987.

(j-2) A violation of any provision of this Article by a title insurance company, title agent, or escrow agent shall constitute a violation of the Title Insurance Act.

(j-3) A violation of any provision of this Article by a housing counselor shall be referred to the Department of Housing and Urban Development.

(k) During the existence of the program, the Department shall submit semi-annual reports to the Governor and to the General Assembly by May 1 and November 1 of each year detailing its findings regarding the program. The report shall include, by county, at least the following information for each reporting period:

(1) the number of loans registered with the program;

(2) the number of borrowers receiving counseling;

(3) the number of loans closed;

(4) the number of loans requiring counseling for each of the standards set forth in Section 73;

(5) the number of loans requiring counseling where the mortgage originator changed the loan terms subsequent to counseling;

(6) the number of licensed mortgage brokers and loan originators entering information into the database;

(7) the number of investigations based on information obtained from the database, including the number of licensees fined, the number of licenses suspended, and the number of licenses revoked;

(8) a summary of the types of non-traditional mortgage products being offered; and

(9) a summary of how the Department is actively utilizing the program to combat mortgage fraud.

(Source: P.A. 99-660, eff. 7-28-16; 100-509, eff. 9-15-17.)

Section 99. Effective date. This Act takes effect upon becoming law.".

Senator Feigenholtz offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3551

AMENDMENT NO. 2 . Amend Senate Bill 3551, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Residential Mortgage License Act of 1987 is amended by changing Section 1-4 and by adding Section 5-12.5 as follows:

(205 ILCS 635/1-4)

Sec. 1-4. Definitions. The following words and phrases have the meanings given to them in this Section:

(a) "Residential real property" or "residential real estate" shall mean any real property located in Illinois, upon which is constructed or intended to be constructed a dwelling. Those terms include a manufactured home as defined in subdivision (53) of Section 9-102 of the Uniform Commercial Code which is real property as defined in Section 5-35 of the Conveyance and Encumbrance of Manufactured Homes as Real Property and Severance Act.

(b) "Making a residential mortgage loan" or "funding a residential mortgage loan" shall mean for compensation or gain, either directly or indirectly, advancing funds or making a commitment to advance funds to a loan applicant for a residential mortgage loan.

(c) "Soliciting, processing, placing, or negotiating a residential mortgage loan" shall mean for compensation or gain, either directly or indirectly, accepting or offering to accept an application for a residential mortgage loan, assisting or offering to assist in the processing of an application for a residential mortgage loan on behalf of a borrower, or negotiating or offering to negotiate the terms or conditions of a residential mortgage loan with a lender on behalf of a borrower including, but not limited to, the submission of credit packages for the approval of lenders, the preparation of residential mortgage loan closing documents, including a closing in the name of a broker.

(d) "Exempt person or entity" shall mean the following:

(1) (i) Any banking organization or foreign banking corporation licensed by the Illinois Commissioner of Banks and Real Estate or the United States Comptroller of the Currency to transact business in this State; (ii) any national bank, federally chartered savings and loan association, federal savings bank, federal credit union; (iii) (blank); (iv) any bank, savings and loan association, savings bank, or credit union organized under the laws of this or any other state; (v) any Illinois Consumer Installment Loan Act licensee; (vi) any insurance company authorized to transact business in this State; (vii) any entity engaged solely in commercial mortgage lending; (viii) any service corporation of a savings and loan association or savings bank organized under the laws of this State or the service corporation of a federally chartered savings and loan association or savings bank having its principal place of business in this State, other than a service corporation licensed or entitled to reciprocity under the Real Estate License Act of 2000; or (ix) any first tier subsidiary of a bank, the charter of which is issued under the Illinois Banking Act by the Illinois Commissioner of Banks and Real Estate, or the first tier subsidiary of a bank chartered by the United States Comptroller of the Currency and that has its principal place of business in this State, provided that the first tier subsidiary is regularly examined by the Illinois Commissioner of Banks and Real Estate or the Comptroller of the Currency, or a consumer compliance examination is regularly conducted by the Federal Reserve Board.

(1.5) Any employee of a person or entity mentioned in item (1) of this subsection, when acting for such person or entity, or any registered mortgage loan originator when acting for an entity described in subsection (tt) of this Section.

(1.8) Any person or entity that does not originate mortgage loans in the ordinary course of business, but makes or acquires residential mortgage loans with his or her own funds for his or her or its own investment without intent to make, acquire, or resell more than 3 residential mortgage loans in any one calendar year.

(2) (Blank).

(2.1) A bona fide nonprofit organization.

(2.2) An employee of a bona fide nonprofit organization when acting on behalf of that organization.

(3) Any person employed by a licensee to assist in the performance of the residential mortgage licensee's activities regulated by this Act who is compensated in any manner by only one licensee.

(4) (Blank).

(5) Any individual, corporation, partnership, or other entity that originates, services, or brokers residential mortgage loans, as these activities are defined in this Act, and who or which receives no compensation for those activities, subject to the Commissioner's regulations and the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008 and the rules promulgated under that Act with regard to the nature and amount of compensation.

(6) (Blank).

(7) Any entity engaged solely in providing loan processing services through the sponsoring of individuals acting pursuant to subsection (d) of Section 7-1A of this Act.

(e) "Licensee" or "residential mortgage licensee" shall mean a person, partnership, association, corporation, or any other entity who or which is licensed pursuant to this Act to engage in the activities regulated by this Act.

(f) "Mortgage loan", "residential mortgage loan", or "home mortgage loan" shall mean any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling as defined in Section 103(v) of the federal Truth in Lending Act, or residential real estate upon which is constructed or intended to be constructed a dwelling. "Mortgage loan", "residential mortgage loan", or "home mortgage loan" includes a loan in which funds are advanced through a shared appreciation agreement.

(g) "Lender" shall mean any person, partnership, association, corporation, or any other entity who either lends or invests money in residential mortgage loans.

(h) "Ultimate equitable owner" shall mean a person who, directly or indirectly, owns or controls an ownership interest in a corporation, foreign corporation, alien business organization, trust, or any other form of business organization regardless of whether the person owns or controls the ownership interest through one or more persons or one or more proxies, powers of attorney, nominees, corporations, associations, partnerships, trusts, joint stock companies, or other entities or devices, or any combination thereof.

(i) "Residential mortgage financing transaction" shall mean the negotiation, acquisition, sale, or arrangement for or the offer to negotiate, acquire, sell, or arrange for, a residential mortgage loan or residential mortgage loan commitment.

(j) "Personal residence address" shall mean a street address and shall not include a post office box number.

(k) "Residential mortgage loan commitment" shall mean a contract for residential mortgage loan financing.

(l) "Party to a residential mortgage financing transaction" shall mean a borrower, lender, or loan broker in a residential mortgage financing transaction.

(m) "Payments" shall mean payment of all or any of the following: principal, interest and escrow reserves for taxes, insurance and other related reserves, and reimbursement for lender advances.

(n) "Commissioner" shall mean the Commissioner of Banks and Real Estate, except that, beginning on April 6, 2009 (the effective date of Public Act 95-1047), all references in this Act to the Commissioner of Banks and Real Estate are deemed, in appropriate contexts, to be references to the Secretary of Financial and Professional Regulation, or his or her designee, including the Director of the Division of Banking of the Department of Financial and Professional Regulation.

(n-1) "Director" shall mean the Director of the Division of Banking of the Department of Financial and Professional Regulation, except that, beginning on July 31, 2009 (the effective date of Public Act 96-112), all references in this Act to the Director are deemed, in appropriate contexts, to be the Secretary of Financial and Professional Regulation, or his or her designee, including the Director of the Division of Banking of the Department of Financial and Professional Regulation.

(o) "Loan brokering", "brokering", or "brokerage service" shall mean the act of helping to obtain from another entity, for a borrower, a loan secured by residential real estate situated in Illinois or assisting a borrower in obtaining a loan secured by residential real estate situated in Illinois in return for consideration to be paid by either the borrower or the lender including, but not limited to, contracting for the delivery of residential mortgage loans to a third party lender and soliciting, processing, placing, or negotiating residential mortgage loans.

(p) "Loan broker" or "broker" shall mean a person, partnership, association, corporation, or limited liability company, other than those persons, partnerships, associations, corporations, or limited liability companies exempted from licensing pursuant to Section 1-4, subsection (d), of this Act, who performs the activities described in subsections (c), (o), and (yy) of this Section.

(q) "Servicing" shall mean the collection or remittance for or the right or obligation to collect or remit for any lender, noteowner, noteholder, or for a licensee's own account, of payments, interests, principal, and trust items such as hazard insurance and taxes on a residential mortgage loan in accordance with the terms of the residential mortgage loan; and includes loan payment follow-up, delinquency loan follow-up, loan analysis and any notifications to the borrower that are necessary to enable the borrower to keep the loan current and in good standing. "Servicing" includes management of third-party entities acting on behalf of a

residential mortgage licensee for the collection of delinquent payments and the use by such third-party entities of said licensee's servicing records or information, including their use in foreclosure.

(r) "Full service office" shall mean an office, provided by the licensee and not subleased from the licensee's employees or independent contractors, and staff in Illinois reasonably adequate to handle efficiently communications, questions, and other matters relating to any application for, or an existing home mortgage secured by residential real estate situated in Illinois with respect to which the licensee is brokering, funding originating, purchasing, or servicing. The management and operation of each full service office must include observance of good business practices such as proper signage; adequate, organized, and accurate books and records; ample phone lines, hours of business, staff training and supervision, and provision for a mechanism to resolve consumer inquiries, complaints, and problems. The Commissioner shall issue regulations with regard to these requirements and shall include an evaluation of compliance with this Section in his or her periodic examination of each licensee. "Full service office" does not include a remote location.

(s) "Purchasing" shall mean the purchase of conventional or government-insured mortgage loans secured by residential real estate situated in Illinois from either the lender or from the secondary market.

(t) "Borrower" shall mean the person or persons who seek the services of a loan broker, originator, or lender.

(u) "Originating" shall mean the issuing of commitments for and funding of residential mortgage loans.

(v) "Loan brokerage agreement" shall mean a written agreement in which a broker or loan broker agrees to do either of the following:

(1) obtain a residential mortgage loan for the borrower or assist the borrower in obtaining a residential mortgage loan; or

(2) consider making a residential mortgage loan to the borrower.

(w) "Advertisement" shall mean the attempt by publication, dissemination, or circulation to induce, directly or indirectly, any person to enter into a residential mortgage loan agreement or residential mortgage loan brokerage agreement relative to a mortgage secured by residential real estate situated in Illinois.

(x) (Blank).

(y) "Government-insured mortgage loan" shall mean any mortgage loan made on the security of residential real estate insured by the Department of Housing and Urban Development or Farmers Home Loan Administration, or guaranteed by the Veterans Administration.

(z) "Annual audit" shall mean a certified audit of the licensee's books and records and systems of internal control performed by a certified public accountant in accordance with generally accepted accounting principles and generally accepted auditing standards.

(aa) "Financial institution" shall mean a savings and loan association, savings bank, credit union, or a bank organized under the laws of Illinois or a savings and loan association, savings bank, credit union or a bank organized under the laws of the United States and headquartered in Illinois.

(bb) "Escrow agent" shall mean a third party, individual or entity charged with the fiduciary obligation for holding escrow funds on a residential mortgage loan pending final payout of those funds in accordance with the terms of the residential mortgage loan.

(cc) "Net worth" shall have the meaning ascribed thereto in Section 3-5 of this Act.

(dd) "Affiliate" shall mean:

(1) any entity that directly controls or is controlled by the licensee and any other company that is directly affecting activities regulated by this Act that is controlled by the company that controls the licensee;

(2) any entity:

(A) that is controlled, directly or indirectly, by a trust or otherwise, by or for the benefit of shareholders who beneficially or otherwise control, directly or indirectly, by trust or otherwise, the licensee or any company that controls the licensee; or

(B) a majority of the directors or trustees of which constitute a majority of the persons holding any such office with the licensee or any company that controls the licensee;

(3) any company, including a real estate investment trust, that is sponsored and advised on a contractual basis by the licensee or any subsidiary or affiliate of the licensee.

(ee) "First tier subsidiary" shall be defined by regulation incorporating the comparable definitions used by the Office of the Comptroller of the Currency and the Illinois Commissioner of Banks and Real Estate.

(ff) "Gross delinquency rate" means the quotient determined by dividing (1) the sum of (i) the number of government-insured residential mortgage loans funded or purchased by a licensee in the preceding calendar year that are delinquent and (ii) the number of conventional residential mortgage loans funded or purchased by the licensee in the preceding calendar year that are delinquent by (2) the sum of (i) the number of government-insured residential mortgage loans funded or purchased by the licensee in the preceding calendar year and (ii) the number of conventional residential mortgage loans funded or purchased by the licensee in the preceding calendar year.

(gg) "Delinquency rate factor" means the factor set by rule of the Commissioner that is multiplied by the average gross delinquency rate of licensees, determined annually for the immediately preceding calendar year, for the purpose of determining which licensees shall be examined by the Commissioner pursuant to subsection (b) of Section 4-8 of this Act.

(hh) (Blank).

(ii) "Confidential supervisory information" means any report of examination, visitation, or investigation prepared by the Commissioner under this Act, any report of examination visitation, or investigation prepared by the state regulatory authority of another state that examines a licensee, any document or record prepared or obtained in connection with or relating to any examination, visitation, or investigation, and any record prepared or obtained by the Commissioner to the extent that the record summarizes or contains information derived from any report, document, or record described in this subsection. "Confidential supervisory information" does not include any information or record routinely prepared by a licensee and maintained in the ordinary course of business or any information or record that is required to be made publicly available pursuant to State or federal law or rule.

(jj) "Mortgage loan originator" means an individual who for compensation or gain or in the expectation of compensation or gain:

(i) takes a residential mortgage loan application; or

(ii) offers or negotiates terms of a residential mortgage loan.

"Mortgage loan originator" includes an individual engaged in loan modification activities as defined in subsection (yy) of this Section. A mortgage loan originator engaged in loan modification activities shall report those activities to the Department of Financial and Professional Regulation in the manner provided by the Department; however, the Department shall not impose a fee for reporting, nor require any additional qualifications to engage in those activities beyond those provided pursuant to this Act for mortgage loan originators.

"Mortgage loan originator" does not include an individual engaged solely as a loan processor or underwriter except as otherwise provided in subsection (d) of Section 7-1A of this Act.

"Mortgage loan originator" does not include a person or entity that only performs real estate brokerage activities and is licensed in accordance with the Real Estate License Act of 2000, unless the person or entity is compensated by a lender, a mortgage broker, or other mortgage loan originator, or by any agent of that lender, mortgage broker, or other mortgage loan originator.

"Mortgage loan originator" does not include a person or entity solely involved in extensions of credit relating to timeshare plans, as that term is defined in Section 101(53D) of Title 11, United States Code.

(kk) "Depository institution" has the same meaning as in Section 3 of the Federal Deposit Insurance Act, and includes any credit union.

(ll) "Dwelling" means a residential structure or mobile home which contains one to 4 family housing units, or individual units of condominiums or cooperatives.

(mm) "Immediate family member" means a spouse, child, sibling, parent, grandparent, or grandchild, and includes step-parents, step-children, step-siblings, or adoptive relationships.

(nn) "Individual" means a natural person.

(oo) "Loan processor or underwriter" means an individual who performs clerical or support duties as an employee at the direction of and subject to the supervision and instruction of a person licensed, or exempt from licensing, under this Act. "Clerical or support duties" includes subsequent to the receipt of an application:

(i) the receipt, collection, distribution, and analysis of information common for the processing or underwriting of a residential mortgage loan; and

(ii) communicating with a consumer to obtain the information necessary for the processing or underwriting of a loan, to the extent that the communication does not include offering or negotiating loan rates or terms, or counseling consumers about residential mortgage loan rates or terms. An individual engaging solely in loan processor or underwriter activities shall not represent to the public,

through advertising or other means of communicating or providing information, including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items, that the individual can or will perform any of the activities of a mortgage loan originator.

(pp) "Nationwide Multistate Licensing System and Registry" means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the licensing and registration of licensed mortgage loan originators.

(qq) "Nontraditional mortgage product" means any mortgage product other than a 30-year fixed rate mortgage.

(rr) "Person" means a natural person, corporation, company, limited liability company, partnership, or association.

(ss) "Real estate brokerage activity" means any activity that involves offering or providing real estate brokerage services to the public, including:

(1) acting as a real estate agent or real estate broker for a buyer, seller, lessor, or lessee of real property;

(2) bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property;

(3) negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property, other than in connection with providing financing with respect to any such transaction;

(4) engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a real estate agent or real estate broker under any applicable law; or

(5) offering to engage in any activity, or act in any capacity, described in this subsection (ss).

(tt) "Registered mortgage loan originator" means any individual that:

(1) meets the definition of mortgage loan originator and is an employee of:

(A) a depository institution;

(B) a subsidiary that is:

(i) owned and controlled by a depository institution; and

(ii) regulated by a federal banking agency; or

(C) an institution regulated by the Farm Credit Administration; and

(2) is registered with, and maintains a unique identifier through, the Nationwide Multistate Licensing System and Registry.

(uu) "Unique identifier" means a number or other identifier assigned by protocols established by the Nationwide Multistate Licensing System and Registry.

(vv) "Residential mortgage license" means a license issued pursuant to Section 1-3, 2-2, or 2-6 of this Act.

(ww) "Mortgage loan originator license" means a license issued pursuant to Section 7-1A, 7-3, or 7-6 of this Act.

(xx) "Secretary" means the Secretary of the Department of Financial and Professional Regulation, or a person authorized by the Secretary or by this Act to act in the Secretary's stead.

(yy) "Loan modification" means, for compensation or gain, either directly or indirectly offering or negotiating on behalf of a borrower or homeowner to adjust the terms of a residential mortgage loan in a manner not provided for in the original or previously modified mortgage loan.

(zz) "Short sale facilitation" means, for compensation or gain, either directly or indirectly offering or negotiating on behalf of a borrower or homeowner to facilitate the sale of residential real estate subject to one or more residential mortgage loans or debts constituting liens on the property in which the proceeds from selling the residential real estate will fall short of the amount owed and the lien holders are contacted to agree to release their lien on the residential real estate and accept less than the full amount owed on the debt.

(aaa) "Bona fide nonprofit organization" means an organization that is described in Section 501(c)(3) of the Internal Revenue Code, is exempt from federal income tax under Section 501(a) of the Internal Revenue Code, does not operate in a commercial context, and does all of the following:

(1) Promotes affordable housing or provides home ownership education or similar services.

(2) Conducts its activities in a manner that serves public or charitable purposes.

(3) Receives funding and revenue and charges fees in a manner that does not create an incentive for itself or its employees to act other than in the best interests of its clients.

(4) Compensates its employees in a manner that does not create an incentive for its employees to act other than in the best interests of its clients.

(5) Provides to, or identifies for, the borrower residential mortgage loans with terms favorable to the borrower and comparable to residential mortgage loans and housing assistance provided under government housing assistance programs.

(bbb) "Remote location" means a location other than a principal place of business or a full service office at which a mortgage loan originator of a licensee may conduct business.

(ccc) "Shared appreciation agreement" means a writing evidencing a transaction or any option, future, or any other derivative between a person and a consumer where the consumer receives money or any other item of value in exchange for an interest or future interest in a dwelling or residential real estate or a future obligation to repay a sum on the occurrence of an event, such as:

(1) the transfer of ownership;

(2) a repayment maturity date;

(3) the death of the consumer; or

(4) any other event contemplated by the writing.

The Commissioner may define by rule and regulation any terms used in this Act for the efficient and clear administration of this Act.

(Source: P.A. 103-156, eff. 1-1-24.)

(205 ILCS 635/5-12.5 new)

Sec. 5-12.5. Shared appreciation agreement consumer counseling and disclosures.

(a) Notwithstanding any provision in this Act to the contrary, before taking any legally binding action on a shared appreciation agreement, the borrower or borrowers shall be provided counseling. The borrower may not waive counseling.

(b) The Secretary may adopt rules relating to shared appreciation agreements, including, but not limited to, rules defining statutory terms; relating to disclosures to help consumers understand the cost, duration, and fees of the agreement, as well as potential alternatives; on the limits on the interest or other fees that may be charged to a borrower; and relating to counseling under subsection (a).

Section 10. The Residential Real Property Disclosure Act is amended by changing Section 70 as follows:

(765 ILCS 77/70)

Sec. 70. Predatory lending database program.

(a) As used in this Article:

"Adjustable rate mortgage" or "ARM" means a closed-end mortgage transaction that allows adjustments of the loan interest rate during the first 3 years of the loan term.

"Borrower" means a person seeking a mortgage loan.

"Broker" means a "broker" or "loan broker", as defined in subsection (p) of Section 1-4 of the Residential Mortgage License Act of 1987.

"Closing agent" means an individual assigned by a title insurance company or a broker or originator to ensure that the execution of documents related to the closing of a real estate sale or the refinancing of a real estate loan and the disbursement of closing funds are in conformity with the instructions of the entity financing the transaction.

"Counseling" means ~~in person~~ counseling provided by a counselor employed by a HUD-approved counseling agency to all borrowers. Counseling must be provided in the following manner:

(i) in person; or

(ii) by remote electronic or telephonic means, with the permission of all borrowers, where the session can be conducted in privacy, the counselor is able to verify the identity of each borrower, and the counseling is documented by the counselor, subject to any rules that may be enacted by the Department ~~, or documented telephone counseling where a hardship would be imposed on one or more borrowers. A hardship shall exist in instances in which the borrower is confined to his or her home due to medical conditions, as verified in writing by a physician, or the borrower resides 50 miles or more from the nearest participating HUD-approved housing counseling agency~~.

"Counselor" means a counselor employed by a HUD-approved housing counseling agency.

"Credit score" means a credit risk score as defined by the Fair Isaac Corporation, or its successor, and reported under such names as "BEACON", "EMPIRICA", and "FAIR ISAAC RISK SCORE" by one or more of the following credit reporting agencies or their successors: Equifax, Inc., Experian Information

Solutions, Inc., and TransUnion LLC. If the borrower's credit report contains credit scores from 2 reporting agencies, then the broker or loan originator shall report the lower score. If the borrower's credit report contains credit scores from 3 reporting agencies, then the broker or loan originator shall report the middle score.

"Department" means the Department of Financial and Professional Regulation.

"Exempt person or entity" means that term as it is defined in subsection ~~subsections~~ (d)~~(1), (d)(1.5), and (d)(1.8)~~ of Section 1-4 of the Residential Mortgage License Act of 1987.

"First-time homebuyer" means a borrower who has not held an ownership interest in residential property.

"HUD-approved counseling" or "counseling" means counseling given to a borrower by a counselor employed by a HUD-approved housing counseling agency.

"Interest only" means a closed-end loan that permits one or more payments of interest without any reduction of the principal balance of the loan, other than the first payment on the loan.

"Lender" means that term as it is defined in subsection (g) of Section 1-4 of the Residential Mortgage License Act of 1987.

"Licensee" means that term as it is defined in subsection (e) of Section 1-4 of the Residential Mortgage License Act of 1987.

"Mortgage loan" means that term as it is defined in subsection (f) of Section 1-4 of the Residential Mortgage License Act of 1987.

"Negative amortization" means an amortization method under which the outstanding balance may increase at any time over the course of the loan because the regular periodic payment does not cover the full amount of interest due.

"Originator" means a "mortgage loan originator" as defined in subsection (jj) of Section 1-4 of the Residential Mortgage License Act of 1987, except an exempt person.

"Points and fees" has the meaning ascribed to that term in Section 10 of the High Risk Home Loan Act.

"Prepayment penalty" means a charge imposed by a lender under a mortgage note or rider when the loan is paid before the expiration of the term of the loan.

"Refinancing" means a loan secured by the borrower's or borrowers' primary residence where the proceeds are not used as purchase money for the residence.

"Title insurance company" means any domestic company organized under the laws of this State for the purpose of conducting the business of guaranteeing or insuring titles to real estate and any title insurance company organized under the laws of another State, the District of Columbia, or a foreign government and authorized to transact the business of guaranteeing or insuring titles to real estate in this State.

(a-5) A predatory lending database program shall be established within Cook County. The program shall be administered in accordance with this Article. The inception date of the program shall be July 1, 2008. A predatory lending database program shall be expanded to include Kane, Peoria, and Will counties. The inception date of the expansion of the program as it applies to Kane, Peoria, and Will counties shall be July 1, 2010. Until the inception date, none of the duties, obligations, contingencies, or consequences of or from the program shall be imposed. The program shall apply to all mortgage applications that are governed by this Article and that are made or taken on or after the inception of the program.

(b) The database created under this program shall be maintained and administered by the Department. The database shall be designed to allow brokers, originators, counselors, title insurance companies, and closing agents to submit information to the database online. The database shall not be designed to allow those entities to retrieve information from the database, except as otherwise provided in this Article. Information submitted by the broker or originator to the Department may be used to populate the online form submitted by a counselor, title insurance company, or closing agent.

(c) Within 10 business days after taking a mortgage application, the broker or originator for any mortgage on residential property within the program area must submit to the predatory lending database all of the information required under Section 72 and any other information required by the Department by rule. Within 7 business days after receipt of the information, the Department shall compare that information to the housing counseling standards in Section 73 and issue to the borrower and the broker or originator a determination of whether counseling is recommended for the borrower. The borrower may not waive counseling. If at any time after submitting the information required under Section 72 the broker or originator (i) changes the terms of the loan or (ii) issues a new commitment to the borrower, then, within 5 business days thereafter, the broker or originator shall re-submit all of the information required under Section 72 and,

within 4 business days after receipt of the information re-submitted by the broker or originator, the Department shall compare that information to the housing counseling standards in Section 73 and shall issue to the borrower and the broker or originator a new determination of whether re-counseling is recommended for the borrower based on the information re-submitted by the broker or originator. The Department shall require re-counseling if the loan terms have been modified to meet another counseling standard in Section 73, or if the broker has increased the interest rate by more than 200 basis points.

(d) If the Department recommends counseling for the borrower under subsection (c), then the Department shall notify the borrower of all participating HUD-approved counseling agencies located within the State and, where applicable, nationally HUD-approved counseling agencies, and direct the borrower to interview with a counselor associated with one of those agencies. Within 10 business days after receipt of the notice of HUD-approved counseling agencies, it is the borrower's responsibility to select one of those agencies and shall engage in an interview with a counselor associated with that agency. The borrower must supply all necessary documents, as set forth by the counselor, at least 72 hours before the scheduled interview. The selection must take place and the appointment for the interview must be set within 10 business days, although the interview may take place beyond the 10 business day period. Within 7 business days after interviewing the borrower, the counselor must submit to the predatory lending database all of the information required under Section 74 and any other information required by the Department by rule. Reasonable and customary costs not to exceed $300 associated with counseling provided under the program shall be paid by the broker or originator and shall not be charged back to, or recovered from, the borrower. The Department shall annually calculate to the nearest dollar an adjusted rate for inflation. A counselor shall not recommend or suggest that a borrower contact any specific mortgage origination company, financial institution, or entity that deals in mortgage finance to obtain a loan, another quote, or for any other reason related to the specific mortgage transaction; however, a counselor may suggest that the borrower seek an opinion or a quote from another mortgage origination company, financial institution, or entity that deals in mortgage finance. A counselor or housing counseling agency that in good faith provides counseling shall not be liable to a broker or originator or borrower for civil damages, except for willful or wanton misconduct on the part of the counselor in providing the counseling.

(e) The broker or originator and the borrower may not take any legally binding action concerning the loan transaction until the later of the following:

(1) the Department issues a determination not to recommend HUD-approved counseling for the borrower in accordance with subsection (c); or

(2) the Department issues a determination that HUD-approved counseling is recommended for the borrower and the counselor submits all required information to the database in accordance with subsection (d).

(f) Within 10 business days after closing, the title insurance company or closing agent must submit to the predatory lending database all of the information required under Section 76 and any other information required by the Department by rule.

(g) The title insurance company or closing agent shall attach to the mortgage a certificate of compliance with the requirements of this Article, as generated by the database. If the transaction is exempt, the title insurance company or closing agent shall attach to the mortgage a certificate of exemption, as generated by the database. Each certificate of compliance or certificate of exemption must contain, at a minimum, one of the borrower's names on the mortgage loan and the property index number for the subject property. If the title insurance company or closing agent fails to attach the certificate of compliance or exemption, whichever is required, then the mortgage is not recordable. In addition, if any lis pendens for a residential mortgage foreclosure is recorded on the property within the program area, a certificate of service must be simultaneously recorded that affirms that a copy of the lis pendens was filed with the Department. A lis pendens filed after July 1, 2016 shall be filed with the Department electronically. If the certificate of service is not recorded, then the lis pendens pertaining to the residential mortgage foreclosure in question is not recordable and is of no force and effect.

(h) All information provided to the predatory lending database under the program is confidential and is not subject to disclosure under the Freedom of Information Act, except as otherwise provided in this Article. Information or documents obtained by employees of the Department in the course of maintaining and administering the predatory lending database are deemed confidential. Employees are prohibited from making disclosure of such confidential information or documents. Any request for production of information from the predatory lending database, whether by subpoena, notice, or any other source, shall be referred to the Department of Financial and Professional Regulation. Any borrower may authorize in writing

the release of database information. The Department may use the information in the database without the consent of the borrower: (i) for the purposes of administering and enforcing the program; (ii) to provide relevant information to a counselor providing counseling to a borrower under the program; or (iii) to the appropriate law enforcement agency or the applicable administrative agency if the database information demonstrates criminal, fraudulent, or otherwise illegal activity.

(i) Nothing in this Article is intended to prevent a borrower from making his or her own decision as to whether to proceed with a transaction.

(j) Any person who violates any provision of this Article commits an unlawful practice within the meaning of the Consumer Fraud and Deceptive Business Practices Act.

(j-1) A violation of any provision of this Article by a mortgage banking licensee or licensed mortgage loan originator shall constitute a violation of the Residential Mortgage License Act of 1987.

(j-2) A violation of any provision of this Article by a title insurance company, title agent, or escrow agent shall constitute a violation of the Title Insurance Act.

(j-3) A violation of any provision of this Article by a housing counselor shall be referred to the Department of Housing and Urban Development.

(k) During the existence of the program, the Department shall submit semi-annual reports to the Governor and to the General Assembly by May 1 and November 1 of each year detailing its findings regarding the program. The report shall include, by county, at least the following information for each reporting period:

(1) the number of loans registered with the program;

(2) the number of borrowers receiving counseling;

(3) the number of loans closed;

(4) the number of loans requiring counseling for each of the standards set forth in Section 73;

(5) the number of loans requiring counseling where the mortgage originator changed the loan terms subsequent to counseling;

(6) the number of licensed mortgage brokers and loan originators entering information into the database;

(7) the number of investigations based on information obtained from the database, including the number of licensees fined, the number of licenses suspended, and the number of licenses revoked;

(8) a summary of the types of non-traditional mortgage products being offered; and

(9) a summary of how the Department is actively utilizing the program to combat mortgage fraud.

(Source: P.A. 99-660, eff. 7-28-16; 100-509, eff. 9-15-17.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator N. Harris, **Senate Bill No. 2573** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Insurance, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 2573

AMENDMENT NO. 1 . Amend Senate Bill 2573 on page 1, by replacing lines 9 through 12 with "care plan amended, delivered, issued, or renewed after January 1, 2026 must provide coverage, no less than once every 12 months, for one wig or other scalp prosthesis worn for hair loss caused by alopecia,".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

At the hour of 12:58 o'clock p.m., the Chair announced that the Senate stands at ease.

AT EASE

At the hour of 1:02 o'clock p.m., the Senate resumed consideration of business.
Senator Hunter, presiding.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Lightford, Chair of the Committee on Assignments, during its March 21, 2024 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Agriculture: **Floor Amendment No. 1 to Senate Bill 2747**.

Local Government: **Committee Amendment No. 1 to Senate Bill 2850; Floor Amendment No. 1 to Senate Bill 2879**.

State Government: **Committee Amendment No. 3 to Senate Bill 3501; Floor Amendment No. 1 to Senate Bill 3631**.

Pursuant to Senate Rule 3-8 (b-1), the following amendment will remain in the Committee on Assignments: **Committee Amendment No. 2 to Senate Bill 3501**.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Villivalam, **Senate Bill No. 2675** having been printed, was taken up, read by title a second time.
Senator Villivalam offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2675
AMENDMENT NO. 1 . Amend Senate Bill 2675 on page 3, by replacing line 7 with the following:
"period of at least 10 years; ~~and~~
(5.5) additional eligibility requirements for each type of applicant; and".

The motion prevailed.
And the amendment was adopted and ordered printed.
There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Ellman, **Senate Bill No. 2743** having been printed, was taken up, read by title a second time.
The following amendment was offered in the Committee on Environment and Conservation, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 2743
AMENDMENT NO. 1 . Amend Senate Bill 2743 on page 2 by deleting line 10.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Martwick, **Senate Bill No. 2765** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **Senate Bill No. 3553** having been printed, was taken up, read by title a second time.

Senator Lightford offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3553

AMENDMENT NO. 1 . Amend Senate Bill 3553 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Sections 14A-32 and 27-22 as follows:

(105 ILCS 5/14A-32)

Sec. 14A-32. Accelerated placement; school district responsibilities.

(a) Each school district shall have a policy that allows for accelerated placement that includes or incorporates by reference the following components:

(1) a provision that provides that participation in accelerated placement is not limited to those children who have been identified as gifted and talented, but rather is open to all children who demonstrate high ability and who may benefit from accelerated placement;

(2) a fair and equitable decision-making process that involves multiple persons and includes a student's parents or guardians;

(3) procedures for notifying parents or guardians of a child of a decision affecting that child's participation in an accelerated placement program; and

(4) an assessment process that includes multiple valid, reliable indicators.

(a-5) By no later than the beginning of the 2023-2024 school year, a school district's accelerated placement policy shall allow for the automatic enrollment, in the following school term, of a student into the next most rigorous level of advanced coursework offered by the high school if the student meets or exceeds State standards in English language arts, mathematics, or science on a State assessment administered under Section 2-3.64a-5 as follows:

(1) A student who ~~meets or~~ exceeds State standards in English language arts shall be automatically enrolled into the next most rigorous level of advanced coursework in English, social studies, humanities, or related subjects.

(2) A student who ~~meets or~~ exceeds State standards in mathematics shall be automatically enrolled into the next most rigorous level of advanced coursework in mathematics.

(3) A student who ~~meets or~~ exceeds State standards in science shall be automatically enrolled into the next most rigorous level of advanced coursework in science.

(a-10) By no later than the beginning of the 2027-2028 school year, a school district's accelerated placement policy shall provide the option, in the following school term, for a student to enroll in the next most rigorous level of advanced coursework offered by the high school if the student meets State standards in English language arts, mathematics, or science on a State assessment administered under Section 2-3.64a-5 as follows:

(1) A student who meets State standards in English language arts shall be provided with the option to enroll in the next most rigorous level of advanced coursework in English, social studies, humanities, or related subjects.

(2) A student who meets State standards in mathematics shall be provided with the option to enroll in the next most rigorous level of advanced coursework in mathematics.

(3) A student who meets State standards in science shall be provided with the option to enroll in the next most rigorous level of advanced coursework in science.

(a-15) For a student entering grade 12, the next most rigorous level of advanced coursework in English language arts or mathematics shall be a dual credit course, as defined in the Dual Credit Quality Act, an Advanced Placement course, as defined in Section 10 of the College and Career Success for All Students Act, or an International Baccalaureate course; otherwise, the next most rigorous level of advanced coursework under this subsection (a-15) ~~(a-5)~~ may include a dual credit course, as defined in the Dual Credit Quality Act, an Advanced Placement course, as defined in Section 10 of the College and Career Success for All Students Act, an International Baccalaureate course, an honors class, an enrichment opportunity, a gifted program, or another program offered by the district.

A school district may use the student's most recent State assessment results to determine whether a student meets or exceeds State standards. For a student entering grade 9, results from the State assessment taken in grades 6 through 8 may be used. For other high school grades, the results from a locally selected, nationally normed assessment may be used instead of the State assessment if those results are the most recent.

(a-20) A school district's accelerated placement policy may allow for the waiver of a course or unit of instruction completion requirement if (i) completion of the course or unit of instruction is required by this Code or rules adopted by the State Board of Education as a prerequisite to receiving a high school diploma and (ii) the school district has determined that the student has demonstrated mastery of or competency in the content of the course or unit of instruction. The school district shall maintain documentation of this determination of mastery or competency for each student, that shall include identification of the learning standards or competencies reviewed, the methods of measurement used, student performance, the date of the determination, and identification of the district personnel involved in the determination process.

(a-25) A school district must provide the parent or guardian of a student eligible for ~~automatic~~ enrollment under ~~this~~ subsection (a-5) or (a-10) with the option to instead have the student enroll in alternative coursework that better aligns with the student's postsecondary education or career goals. If applicable, a school district must provide notification to a student's parent or guardian that the student will receive a waiver of a course or unit of instruction completion requirement under subsections (a-5) or (a-10).

Nothing in subsections ~~this subsection~~ (a-5) or (a-10) may be interpreted to preclude other students from enrolling in advanced coursework per the policy of a school district.

(b) Further, a school district's accelerated placement policy may include or incorporate by reference, but need not be limited to, the following components:

(1) procedures for annually informing the community at-large, including parents or guardians, community-based organizations, and providers of out-of-school programs, about the accelerated placement program and the methods used for the identification of children eligible for accelerated placement, including strategies to reach groups of students and families who have been historically underrepresented in accelerated placement programs and advanced coursework;

(2) a process for referral that allows for multiple referrers, including a child's parents or guardians; other referrers may include licensed education professionals, the child, with the written consent of a parent or guardian, a peer, through a licensed education professional who has knowledge of the referred child's abilities, or, in case of possible early entrance, a preschool educator, pediatrician, or psychologist who knows the child;

(3) a provision that provides that children participating in an accelerated placement program and their parents or guardians will be provided a written plan detailing the type of acceleration the child will receive and strategies to support the child;

(4) procedures to provide support and promote success for students who are newly enrolled in an accelerated placement program;

(5) a process for the school district to review and utilize disaggregated data on participation in an accelerated placement program to address gaps among demographic groups in accelerated placement opportunities; and

(6) procedures to promote equity, which may incorporate one or more of the following evidence-based practices:

(A) the use of multiple tools to assess exceptional potential and provide several pathways into advanced academic programs when assessing student need for advanced academic or accelerated programming;

(B) providing enrichment opportunities starting in the early grades to address achievement gaps that occur at school entry and provide students with opportunities to demonstrate their advanced potential;

(C) the use of universal screening combined with local school-based norms for placement in accelerated and advanced learning programs;

(D) developing a continuum of services to identify and develop talent in all learners ranging from enriched learning experiences, such as problem-based learning, performance tasks, critical thinking, and career exploration, to accelerated placement and advanced academic programming; and

(E) providing professional learning in gifted education for teachers and other appropriate school personnel to appropriately identify and challenge students from diverse cultures and backgrounds who may benefit from accelerated placement or advanced academic programming.

(c) The State Board of Education shall adopt rules to determine data to be collected and disaggregated by demographic group regarding accelerated placement, including the rates of students who participate in and successfully complete advanced coursework, and a method of making the information available to the public.

(d) On or before November 1, 2022, following a review of disaggregated data on the participation and successful completion rates of students enrolled in an accelerated placement program, each school district shall develop a plan to expand access to its accelerated placement program and to ensure the teaching capacity necessary to meet the increased demand.

(Source: P.A. 102-209, eff. 11-30-21 (See Section 5 of P.A. 102-671 for effective date of P.A. 102-209); 103-263, eff. 6-30-23.)

(105 ILCS 5/27-22) (from Ch. 122, par. 27-22)

Sec. 27-22. Required high school courses.

(a) (Blank).

(b) (Blank).

(c) (Blank).

(d) (Blank).

(e) Through the 2023-2024 school year, as a prerequisite to receiving a high school diploma, each pupil entering the 9th grade must, in addition to other course requirements, successfully complete all of the following courses:

(1) Four years of language arts.

(2) Two years of writing intensive courses, one of which must be English and the other of which may be English or any other subject. When applicable, writing-intensive courses may be counted towards the fulfillment of other graduation requirements.

(3) Three years of mathematics, one of which must be Algebra I, one of which must include geometry content, and one of which may be an Advanced Placement computer science course. A mathematics course that includes geometry content may be offered as an integrated, applied, interdisciplinary, or career and technical education course that prepares a student for a career readiness path.

(3.5) For pupils entering the 9th grade in the 2022-2023 school year and 2023-2024 school year, one year of a course that includes intensive instruction in computer literacy, which may be English, social studies, or any other subject and which may be counted toward the fulfillment of other graduation requirements.

(4) Two years of science.

(5) Two years of social studies, of which at least one year must be history of the United States or a combination of history of the United States and American government and, beginning with pupils entering the 9th grade in the 2016-2017 school year and each school year thereafter, at least one semester must be civics, which shall help young people acquire and learn to use the skills, knowledge, and attitudes that will prepare them to be competent and responsible citizens throughout their lives. Civics course content shall focus on government institutions, the discussion of current and controversial issues, service learning, and simulations of the democratic process. School districts may utilize private funding available for the purposes of offering civics education. Beginning with pupils entering the 9th grade in the 2021-2022 school year, one semester, or part of one semester, may include a financial literacy course.

(6) One year chosen from (A) music, (B) art, (C) foreign language, which shall be deemed to include American Sign Language, (D) vocational education, or (E) forensic speech (speech and debate). A forensic speech course used to satisfy the course requirement under subdivision (1) may not be used to satisfy the course requirement under this subdivision (6).

(e-5) Beginning with the 2024-2025 school year, as a prerequisite to receiving a high school diploma, each pupil entering the 9th grade must, in addition to other course requirements, successfully complete all of the following courses:

(1) Four years of language arts.

(2) Two years of writing intensive courses, one of which must be English and the other of which may be English or any other subject. If applicable, writing-intensive courses may be counted toward the fulfillment of other graduation requirements.

(3) Three years of mathematics, one of which must be Algebra I, one of which must include geometry content, and one of which may be an Advanced Placement computer science course. A mathematics course that includes geometry content may be offered as an integrated, applied, interdisciplinary, or career and technical education course that prepares a student for a career readiness path.

(3.5) One year of a course that includes intensive instruction in computer literacy, which may be English, social studies, or any other subject and which may be counted toward the fulfillment of other graduation requirements.

(4) Two years of laboratory science.

(5) Two years of social studies, of which at least one year must be history of the United States or a combination of history of the United States and American government and at least one semester must be civics, which shall help young people acquire and learn to use the skills, knowledge, and attitudes that will prepare them to be competent and responsible citizens throughout their lives. Civics course content shall focus on government institutions, the discussion of current and controversial issues, service learning, and simulations of the democratic process. School districts may utilize private funding available for the purposes of offering civics education. One semester, or part of one semester, may include a financial literacy course.

(6) One year chosen from (A) music, (B) art, (C) foreign language, which shall be deemed to include American Sign Language, (D) vocational education, or (E) forensic speech (speech and debate). A forensic speech course used to satisfy the course requirement under subdivision (1) may not be used to satisfy the course requirement under this subdivision (6).

(e-10) Beginning with the 2028-2029 school year, as a prerequisite to receiving a high school diploma, each pupil entering the 9th grade must, in addition to other course requirements, successfully complete 2 years of foreign language courses, which may include American Sign Language. A pupil may choose a third year of foreign language to satisfy the requirement under subdivision (6) of subsection (e-5).

(f) The State Board of Education shall develop and inform school districts of standards for writing-intensive coursework.

(f-5) If a school district offers an Advanced Placement computer science course to high school students, then the school board must designate that course as equivalent to a high school mathematics course and must denote on the student's transcript that the Advanced Placement computer science course qualifies as a mathematics-based, quantitative course for students in accordance with subdivision (3) of subsection (e) of this Section.

(g) Public Act 83-1082 does not apply to pupils entering the 9th grade in 1983-1984 school year and prior school years or to students with disabilities whose course of study is determined by an individualized education program.

Public Act 94-676 does not apply to pupils entering the 9th grade in the 2004-2005 school year or a prior school year or to students with disabilities whose course of study is determined by an individualized education program.

Subdivision (3.5) of subsection (e) does not apply to pupils entering the 9th grade in the 2021-2022 school year or a prior school year or to students with disabilities whose course of study is determined by an individualized education program.

Subsection (e-5) does not apply to pupils entering the 9th grade in the 2023-2024 school year or a prior school year or to students with disabilities whose course of study is determined by an individualized education program. Subsection (e-10) does not apply to pupils entering the 9th grade in the 2027-2028 school year or a prior school year or to students with disabilities whose course of study is determined by an individualized education program.

(h) The provisions of this Section are subject to the provisions of Sections 14A-32 and ~~Section~~ 27-22.05 of this Code and the Postsecondary and Workforce Readiness Act.

(i) The State Board of Education may adopt rules to modify the requirements of this Section for any students enrolled in grades 9 through 12 if the Governor has declared a disaster due to a public health emergency pursuant to Section 7 of the Illinois Emergency Management Agency Act.

(Source: P.A. 102-366, eff. 8-13-21; 102-551, eff. 1-1-22; 102-864, eff. 5-13-22; 103-154, eff. 6-30-23.)

Section 99. Effective date. This Act takes effect upon becoming law.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Lightford, **Senate Bill No. 3630** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 3630

AMENDMENT NO. 1 . Amend Senate Bill 3630 by replacing everything after the enacting clause with the following:

"Section 5. The Abused and Neglected Child Reporting Act is amended by changing Section 7.4 as follows:

(325 ILCS 5/7.4)

Sec. 7.4. (a) The Department shall be capable of receiving reports of suspected child abuse or neglect 24 hours a day, 7 days a week. Whenever the Department receives a report alleging that a child is a truant as defined in Section 26-2a of the School Code, as now or hereafter amended, the Department shall notify the superintendent of the school district in which the child resides and the appropriate superintendent of the educational service region. The notification to the appropriate officials by the Department shall not be considered an allegation of abuse or neglect under this Act.

(a-5) The Department of Children and Family Services may implement a "differential response program" in accordance with criteria, standards, and procedures prescribed by rule. The program may provide that, upon receiving a report, the Department shall determine whether to conduct a family assessment or an investigation as appropriate to prevent or provide a remedy for child abuse or neglect.

For purposes of this subsection (a-5), "family assessment" means a comprehensive assessment of child safety, risk of subsequent child maltreatment, and family strengths and needs that is applied to a child maltreatment report that does not allege substantial child endangerment. "Family assessment" does not include a determination as to whether child maltreatment occurred but does determine the need for services to address the safety of family members and the risk of subsequent maltreatment.

For purposes of this subsection (a-5), "investigation" means fact-gathering related to the current safety of a child and the risk of subsequent abuse or neglect that determines whether a report of suspected child abuse or neglect should be indicated or unfounded and whether child protective services are needed.

Under the "differential response program" implemented under this subsection (a-5), the Department:

(1) Shall conduct an investigation on reports involving substantial child abuse or neglect.

(2) Shall begin an immediate investigation if, at any time when it is using a family assessment response, it determines that there is reason to believe that substantial child abuse or neglect or a serious threat to the child's safety exists.

(3) May conduct a family assessment for reports that do not allege substantial child endangerment. In determining that a family assessment is appropriate, the Department may consider issues, including, but not limited to, child safety, parental cooperation, and the need for an immediate response.

(4) Shall promulgate criteria, standards, and procedures that shall be applied in making this determination, taking into consideration the Safety-Based Child Welfare Intervention System of the Department.

(5) May conduct a family assessment on a report that was initially screened and assigned for an investigation.

In determining that a complete investigation is not required, the Department must document the reason for terminating the investigation and notify the local law enforcement agency or the Illinois State Police if the local law enforcement agency or Illinois State Police is conducting a joint investigation.

Once it is determined that a "family assessment" will be implemented, the case shall not be reported to the central register of abuse and neglect reports.

During a family assessment, the Department shall collect any available and relevant information to determine child safety, risk of subsequent abuse or neglect, and family strengths.

Information collected includes, but is not limited to, when relevant: information with regard to the person reporting the alleged abuse or neglect, including the nature of the reporter's relationship to the child and to the alleged offender, and the basis of the reporter's knowledge for the report; the child allegedly being abused or neglected; the alleged offender; the child's caretaker; and other collateral sources having relevant

information related to the alleged abuse or neglect. Information relevant to the assessment must be asked for, and may include:

(A) The child's sex and age, prior reports of abuse or neglect, information relating to developmental functioning, credibility of the child's statement, and whether the information provided under this paragraph (A) is consistent with other information collected during the course of the assessment or investigation.

(B) The alleged offender's age, a record check for prior reports of abuse or neglect, and criminal charges and convictions. The alleged offender may submit supporting documentation relevant to the assessment.

(C) Collateral source information regarding the alleged abuse or neglect and care of the child. Collateral information includes, when relevant: (i) a medical examination of the child; (ii) prior medical records relating to the alleged maltreatment or care of the child maintained by any facility, clinic, or health care professional, and an interview with the treating professionals; and (iii) interviews with the child's caretakers, including the child's parent, guardian, foster parent, child care provider, teachers, counselors, family members, relatives, and other persons who may have knowledge regarding the alleged maltreatment and the care of the child.

(D) Information on the existence of domestic abuse and violence in the home of the child, and substance abuse.

Nothing in this subsection (a-5) precludes the Department from collecting other relevant information necessary to conduct the assessment or investigation. Nothing in this subsection (a-5) shall be construed to allow the name or identity of a reporter to be disclosed in violation of the protections afforded under Section 7.19 of this Act.

After conducting the family assessment, the Department shall determine whether services are needed to address the safety of the child and other family members and the risk of subsequent abuse or neglect.

Upon completion of the family assessment, if the Department concludes that no services shall be offered, then the case shall be closed. If the Department concludes that services shall be offered, the Department shall develop a family preservation plan and offer or refer services to the family.

At any time during a family assessment, if the Department believes there is any reason to stop the assessment and conduct an investigation based on the information discovered, the Department shall do so.

The procedures available to the Department in conducting investigations under this Act shall be followed as appropriate during a family assessment.

If the Department implements a differential response program authorized under this subsection (a-5), the Department shall arrange for an independent evaluation of the program for at least the first 3 years of implementation to determine whether it is meeting the goals in accordance with Section 2 of this Act.

The Department may adopt administrative rules necessary for the execution of this Section, in accordance with Section 4 of the Children and Family Services Act.

The Department shall submit a report to the General Assembly by January 15, 2018 on the implementation progress and recommendations for additional needed legislative changes.

(b)(1) The following procedures shall be followed in the investigation of all reports of suspected abuse or neglect of a child, except as provided in subsection (c) of this Section.

(2) If, during a family assessment authorized by subsection (a-5) or an investigation, it appears that the immediate safety or well-being of a child is endangered, that the family may flee or the child disappear, or that the facts otherwise so warrant, the Child Protective Service Unit shall commence an investigation immediately, regardless of the time of day or night. All other investigations shall be commenced within 24 hours of receipt of the report. Upon receipt of a report, the Child Protective Service Unit shall conduct a family assessment authorized by subsection (a-5) or begin an initial investigation and make an initial determination whether the report is a good faith indication of alleged child abuse or neglect.

(3) Based on an initial investigation, if the Unit determines the report is a good faith indication of alleged child abuse or neglect, then a formal investigation shall commence and, pursuant to Section 7.12 of this Act, may or may not result in an indicated report. The formal investigation shall include: direct contact with the subject or subjects of the report as soon as possible after the report is received; an evaluation of the environment of the child named in the report and any other children in the same environment; a determination of the risk to such children if they continue to remain in the existing environments, as well as a determination of the nature, extent and cause of any condition enumerated in such report; the name, age and condition of other children in the environment; and an evaluation as to whether there would be an immediate and urgent necessity to remove the child from the environment if appropriate family preservation

services were provided. After seeing to the safety of the child or children, the Department shall forthwith notify the subjects of the report in writing, of the existence of the report and their rights existing under this Act in regard to amendment or expungement. To fulfill the requirements of this Section, the Child Protective Service Unit shall have the capability of providing or arranging for comprehensive emergency services to children and families at all times of the day or night.

(4) If (i) at the conclusion of the Unit's initial investigation of a report, the Unit determines the report to be a good faith indication of alleged child abuse or neglect that warrants a formal investigation by the Unit, the Department, any law enforcement agency or any other responsible agency and (ii) the person who is alleged to have caused the abuse or neglect is employed or otherwise engaged in an activity resulting in frequent contact with children and the alleged abuse or neglect are in the course of such employment or activity, then the Department shall, except in investigations where the Director determines that such notification would be detrimental to the Department's investigation, inform the appropriate supervisor or administrator of that employment or activity that the Unit has commenced a formal investigation pursuant to this Act, which may or may not result in an indicated report. The Department shall also notify the person being investigated, unless the Director determines that such notification would be detrimental to the Department's investigation.

(c) In an investigation of a report of suspected abuse or neglect of a child by a school employee at a school or on school grounds, the Department shall make reasonable efforts to follow the following procedures:

(1) Investigations involving teachers shall not, to the extent possible, be conducted when the teacher is scheduled to conduct classes. Investigations involving other school employees shall be conducted so as to minimize disruption of the school day. The school employee accused of child abuse or neglect may have the school employee's superior, the school employee's association or union representative, and the school employee's attorney present at any interview or meeting at which the teacher or administrator is present. The accused school employee shall be informed by a representative of the Department, at any interview or meeting, of the accused school employee's due process rights and of the steps in the investigation process. These due process rights shall also include the right of the school employee to present countervailing evidence regarding the accusations. In an investigation in which the alleged perpetrator of abuse or neglect is a school employee, including, but not limited to, a school teacher or administrator, and the recommendation is to determine the report to be indicated, in addition to other procedures as set forth and defined in Department rules and procedures, the employee's due process rights shall also include: (i) the right to a copy of the investigation summary; (ii) the right to review the specific allegations which gave rise to the investigation; and (iii) the right to an administrator's teleconference which shall be convened to provide the school employee with the opportunity to present documentary evidence or other information that supports the school employee's position and to provide information before a final finding is entered.

(2) If a report of neglect or abuse of a child by a teacher or administrator does not involve allegations of sexual abuse or extreme physical abuse, the Child Protective Service Unit shall make reasonable efforts to conduct the initial investigation in coordination with the employee's supervisor.

If the Unit determines that the report is a good faith indication of potential child abuse or neglect, it shall then commence a formal investigation under paragraph (3) of subsection (b) of this Section.

(3) If a report of neglect or abuse of a child by a teacher or administrator involves an allegation of sexual abuse or extreme physical abuse, the Child Protective Unit shall commence an investigation under paragraph (2) of subsection (b) of this Section.

(c-5) In any instance in which a report is made or caused to made by a school district employee involving the conduct of a person employed by the school district, at the time the report was made, as required under Section 4 of this Act, the Child Protective Service Unit shall send a copy of its final finding report to the general superintendent of that school district.

(c-10) The Department may recommend that a school district remove a school employee who is the subject of an investigation from the school employee's employment position pending the outcome of the investigation; however, all employment decisions regarding school personnel shall be the sole responsibility of the school district or employer. The Department may not require a school district to remove a school employee from the school employee's employment position or limit the school employee's duties pending the outcome of an investigation.

(d) If the Department has contact with an employer, or with a religious institution or religious official having supervisory or hierarchical authority over a member of the clergy accused of the abuse of a child, in the course of its investigation, the Department shall notify the employer or the religious institution or religious official, in writing, when a report is unfounded so that any record of the investigation can be expunged from the employee's or member of the clergy's personnel or other records. The Department shall also notify the employee or the member of the clergy, in writing, that notification has been sent to the employer or to the appropriate religious institution or religious official informing the employer or religious institution or religious official that the Department's investigation has resulted in an unfounded report.

(d-1) Whenever a report alleges that a child was abused or neglected while receiving care in a hospital, including a freestanding psychiatric hospital licensed by the Department of Public Health, the Department shall send a copy of its final finding to the Director of Public Health and the Director of Healthcare and Family Services.

(d-1.5) For the purposes of this Section, "medical professional" means any physician, nurse practitioner, physician assistant, nurse, resident, or subspecialist who is not part of the child's initial care team and whose involvement is pursuant to any contract, memorandum of understanding, or other agreement with the Department or an entity that is accredited by statute to collaborate with the Department for purposes of child abuse investigations.

(d-2) In any investigation involving a medical professional conducted in accordance with this Act, the following protections shall be provided to the parent or guardian of the child at the center of an investigation:

(1) The medical professional must explain to the parent or guardian of the child, whenever the medical professional has direct contact with the child or the family of the child, that the medical professional is involved for the purpose of providing an opinion to the Department regarding whether the child's injury or condition is suspicious for child maltreatment. The medical professional must explain that he or she may be required to communicate with law enforcement and provide court testimony. The medical professional must also provide the child's parent or guardian with accurate information about his or her medical specialties.

(2) In any investigation where a medical professional is providing a medical opinion to the Department, the Department shall inform the parent or guardian of the child at the center of an investigation:

(A) of his or her right to request and receive a copy of the medical professional's opinion, including the basis for the opinion, and a copy of any written report the medical professional has provided to the Department;

(B) of his or her right to obtain, at his or her own expense, and submit to the Department a second medical opinion at any time;

(C) that any second medical opinion submitted to the Department prior to the Department rendering a final determination in the investigation will be considered as inculpatory or exculpatory evidence; and

(D) be notified of the Department's time frames for the investigative process.

(d-3) The Department shall annually prepare and make available on the Department's Reports and Statistics webpage a report on the number of investigations in which a medical professional has provided an opinion to the Department. The report shall not contain any personally identifiable information about a child referred, the family members of such a child, or the medical professional. If the number of cases in any category of information under items (4) through (9) of this subsection is less than 10, the Department shall not include that information in the report. The first report must be posted within 9 months after the effective date of this amendatory Act of the 103rd General Assembly. The first report and each annual report thereafter shall contain the following information regarding cases referred by the Department to a medical professional:

(1) The total number of abuse or neglect cases in which a medical professional has provided an opinion to the Department, with separate line items for:

(A) the total number of abuse and neglect cases that the Department determined were indicated but were appealed and the outcomes of those appeals, organized as follows:

(i) first, by the total number of indicated cases appealed via administrative appeal hearing before an administrative law judge and the outcomes of those hearings; and

(ii) second, by the total number of cases in which an administrative law judge's affirmance of the indicated findings was appealed to a court and the outcomes of the court's findings; and

(B) the total number of abuse and neglect cases that were indicated by the Department but indicated as to an unknown perpetrator.

(2) The total number of abuse or neglect cases referred by the Department to a medical professional that the Department determined were unfounded.

(3) The total number of abuse or neglect cases referred by the Department to a medical professional in which a petition for adjudication of wardship was filed.

(4) The total number of abuse and neglect cases referred by the Department to a medical professional under paragraphs (1), (2), and (3) organized by abuse allegation.

(5) The total number of abuse and neglect cases referred by the Department to a medical professional under paragraphs (1), (2), and (3) organized by DCFS region.

(6) The total number of abuse and neglect cases referred by the Department to a medical professional under paragraphs (1), (2), and (3) organized by race of the child.

(7) The total number of abuse and neglect cases referred by the Department to a medical professional under paragraphs (1), (2), and (3) organized by gender of the child.

(8) The total number of abuse and neglect cases under paragraphs (1), (2), and (3) involving children with safety plans.

(9) The total number of abuse and neglect cases under paragraphs (1), (2), and (3) where the child was put in protective custody.

(e) Upon request by the Department, the Illinois State Police and law enforcement agencies are authorized to provide criminal history record information as defined in the Illinois Uniform Conviction Information Act and information maintained in the adjudicatory and dispositional record system as defined in Section 2605-355 of the Illinois State Police Law to properly designated employees of the Department of Children and Family Services if the Department determines the information is necessary to perform its duties under the Abused and Neglected Child Reporting Act, the Child Care Act of 1969, and the Children and Family Services Act. The request shall be in the form and manner required by the Illinois State Police. Any information obtained by the Department of Children and Family Services under this Section is confidential and may not be transmitted outside the Department of Children and Family Services other than to a court of competent jurisdiction or unless otherwise authorized by law. Any employee of the Department of Children and Family Services who transmits confidential information in violation of this Section or causes the information to be transmitted in violation of this Section is guilty of a Class A misdemeanor unless the transmittal of the information is authorized by this Section or otherwise authorized by law.

(f) For purposes of this Section, "child abuse or neglect" includes abuse or neglect of an adult resident as defined in this Act.

(Source: P.A. 102-538, eff. 8-20-21; 103-22, eff. 8-8-23; 103-460, eff. 1-1-24; revised 9-15-23.)".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

LEGISLATIVE MEASURES FILED

The following Floor amendments to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Amendment No. 1 to Senate Bill 377
Amendment No. 1 to Senate Bill 459
Amendment No. 1 to Senate Bill 691
Amendment No. 1 to Senate Bill 763
Amendment No. 2 to Senate Bill 3115
Amendment No. 1 to Senate Bill 3156
Amendment No. 1 to Senate Bill 3343
Amendment No. 1 to Senate Bill 3467
Amendment No. 1 to Senate Bill 3567

Amendment No. 1 to Senate Bill 3649

The following Committee amendments to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Amendment No. 3 to Senate Bill 2729
Amendment No. 1 to Senate Bill 3658

At the hour of 1:18 o'clock p.m., the Chair announced that the Senate stands adjourned until Friday, March 22, 2024, at 12:00 o'clock p.m.